

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 201250440
Issue No.: 1033
Case No.: [REDACTED]
Hearing Date: September 6, 2012
County: Wayne DHS (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on September 6, 2012, from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) benefit eligibility, effective 4/2012 due to an alleged failure to verify residency.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was an ongoing FIP benefit recipient.
2. On an unspecified date, DHS requested verification of Claimant's residence.
3. On an unspecified date, Claimant submitted an energy bill verifying his residence.
4. On 3/19/12, DHS initiated termination of Claimant's FIP benefit eligibility effective 4/2012 due to an alleged failure to verify residency.
5. On 4/30/12, Claimant requested a hearing to dispute the FIP benefit termination.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

For all programs, a person must be a Michigan resident. BEM 220 (1/2012), p. 1. For FIP benefits, DHS is to verify a client's address, unless the client is homeless. *Id.*, p. 5.

In the present case, DHS alleged that Claimant's reported address was unverified and that Claimant failed to verify the address after a request for verification was made. Claimant responded that he verified his residential address by submitting a utility bill with his residential address but DHS failed to acknowledge receipt of the bill. A utility bill is an acceptable verification of residence. *Id.*, p. 6.

The DHS specialist acknowledged that Claimant's case was previously handled by a different specialist. The testifying specialist also acknowledged that she did not have the entire case file for Claimant, thus, DHS was unable to verify whether Claimant submitted a utility bill, or not.

Claimant's testimony concerning submission of the utility bill was detailed and persuasive. Claimant provided circumstances of the utility bill submission (it was submitted with a State Emergency Relief application) and details including names of DHS staff persons who were aware of the utility bill submission. Claimant's testimony was persuasive support, in finding that Claimant complied with the DHS request for verification of residency.

During the hearing, DHS proposed to check Claimant's utility company's website to determine if Claimant had utility service at his reported address at the time DHS terminated Claimant's FIP benefit eligibility. A check of the website verified that Claimant had utility service at his reported address. This evidence was further support, finding that Claimant verified his residency.

Based on the presented evidence, it is found that Claimant verified his residency with DHS. It was not disputed that the termination of FIP benefits occurred because DHS determined that Claimant failed to verify his residency. Accordingly, the DHS termination of FIP benefits was improper.

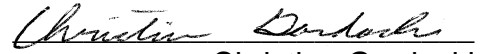
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's FIP benefit eligibility, effective 4/2012, subject to the finding that Claimant timely verified his address; and

(2) supplement Claimant for any FIP benefits not received due to the improper benefit termination.

The actions taken by DHS are REVERSED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 13, 2012

Date Mailed: September 13, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

