

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2012-66319
Issue No: 1038

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Suzanne Morris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on [REDACTED]. The claimant appeared and provided testimony, along with [REDACTED]. The department witnesses were [REDACTED].

ISSUE

Did the department properly deny the claimant's Family Independence Program (FIP) application for failure to provide the required verifications?

FINDINGS OF FACT

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

1. On [REDACTED] the claimant applied for FIP benefits.
2. An interview was conducted on [REDACTED]. At this appointment, the claimant was given a Verification Checklist (DHS-3503) and Verification of Employment (DHS-38) to have completed by her former employer, [REDACTED] and return by [REDACTED].
3. On [REDACTED], the claimant was mailed a Notice of Case Action (DHS-1605) that indicated her FIP application was denied due to a failure to verify the required information.
4. The claimant submitted a hearing request on [REDACTED].

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department policy states:

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. BAM 105.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. BAM 105.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See BAM 130 and BEM 702. BAM 105.

Assisting the Client

All Programs

The local office must assist clients who ask for help in completing forms (including the DCH-0733-D) or gathering verifications. Particular sensitivity must be shown to clients who are illiterate, disabled or **not** fluent in English. BAM 105.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130.

Obtaining Verification

All Programs

Tell the client what verification is required, how to obtain it, and the due date (see "**Timeliness Standards**" in this item). Use the DHS-3503, Verification Checklist, or for MA redeterminations, the DHS-1175, MA Determination Notice, to request verification. BAM 130.

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130.

Timeliness Standards

FIP, SDA, CDC, FAP

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification you request. BAM 130.

Exception: For CDC only, if the client cannot provide the verification despite a reasonable effort, extend the time limit at least once.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email), the date of the transmission is the receipt date. Verifications that are submitted after the close of business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

- . the client indicates refusal to provide a verification, **or**
- . the time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130.

The claimant applied for FIP benefits on [REDACTED]. At that time, the claimant was given a Verification of Employment form and informed to have it completed by her former employer, [REDACTED], and return it to the department by [REDACTED].

The claimant provided a few different versions of events that did not seem to factually coincide. The claimant first indicated that she couldn't get the form completed and returned to the department at any time, because she was a victim of domestic violence and was scared to leave her home.

Then, at some point, the claimant indicated that she had gotten it completed and turned it in to the department and that another case worker, [REDACTED], had seen the form and said her case should not have been denied. [REDACTED] was brought into the hearing and sworn in. [REDACTED] was able to locate the form she had seen in the claimant's file. However, this completed form from [REDACTED] was not date-stamped into the local office until [REDACTED], which was well after the deadline for the form and after the case was denied. In fact, this form was turned in for a reapplication.

The claimant then stated that she had gone to [REDACTED] to have the form completed, but that it was a Thursday and [REDACTED] only completes the forms on Friday. She further testified that she was assaulted by a former boyfriend and was too scared to go back and have the form completed, so she called [REDACTED] and requested her to fax the form to [REDACTED] to have them complete it and fax it back to DHS. There are some documentation records of telephone conversations between [REDACTED] and the claimant. The first indicates that the claimant called on [REDACTED] and stated she needed her FIP opened to prevent an eviction. [REDACTED] called claimant back and left a message that indicated she needed the completed Verification of Employment returned before she could open the FIP and left a duplicate copy of the form at the front desk. There are a few notations of messages left on [REDACTED] that state the claimant called and

wanted the worker to fax the Verification to [REDACTED]. However, as testified by the worker, this was after the case was already closed for failure to verify.

The claimant then also testified that she had completed the form earlier and turned it in to the department, but they must have lost it. This statement did not occur until late in the hearing and quite frankly, it is not very credible as Claimant's earlier testimony was that she had only gone to [REDACTED] on a Thursday and could not get the form completed on a Thursday, as they only completed the forms on Friday.

Claimant was allowed to enter evidence of the police report documentation her assault by her boyfriend to substantiate the domestic violence she claimed. However, this Administrative Law Judge has reviewed the police report and discovered the assault did not occur until [REDACTED]. The claimant was provided with the verification on [REDACTED] and it was due on [REDACTED]. Therefore, this provides no excuse for the claimant to be unable to get the documentation completed during this time period. The department even gave the claimant several more weeks to get the verification to them and left her another copy at the front desk if she needed it, but the claimant failed to do so. Thus, the department acted in conformance with department policy when they denied the claimant's application for failure to provide the verification.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's Family Independence Program (FIP) application for failure to provide the required verifications.

Accordingly, the department's determination is **UPHELD**. SO ORDERED.

/s/ _____

Suzanne L. Morris
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: [REDACTED]

Date Mailed: [REDACTED]

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

SLM/jk

cc:



MAHS