

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201330665  
Issue No.: 1005  
Case No.: [REDACTED]  
Hearing Date: March 20, 2013  
County: Wayne (#17)

**ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE**

**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 conducted from Detroit, Michigan on Wednesday March 20, 2013. Participants on behalf of Claimant included [REDACTED] (Interpreter). Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

**ISSUE**

Whether the Department properly denied the Claimant's application for Cash Assistance ("FIP") benefits?

**FINDINGS OF FACT**

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

1. On December 18, 2012, the Claimant applied for FIP benefits.
2. On December 21, 2012, the Department sent a Verification Checklist to Claimant requesting proof of assets and residential address, due by January 2, 2013. (Exhibit 2).
3. The verifications were not received, resulting in the denial of FIP benefits.
4. On February 1, 2013, the Department sent a Notice of Case Action to the Claimant informing him of the FIP denial effective January 16, 2013. (Exhibit 3)

5. On February 13, 2013, the Department received the Claimant's written hearing request disputing the denial of FIP benefits.

### **CONCLUSIONS OF LAW**

The Department of Human Services ("DHS") policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (November 2012), p. 5. The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p. 1. The client must obtain any required verification, however, the Department must assist, if needed and/or requested. BAM 130, p. 3. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p. 5. A negative action notice is sent when the client indicates a refusal to provide the verification, or the time period provided has lapsed and the client has not made a reasonable effort to provide the verifications. BAM 130, p. 5.

In this case, the Claimant submitted an application for FIP benefits. The Department initiated processing and sent a Verification Checklist to the Claimant with a due date of January 2, 2013. The Claimant testified that he and his spouse attended the work participation orientation and submitted documentation to the Department in the drop box on, or about, December 28, 2012. The Department representative testified that nothing in the Department's daily log sheets showed the Claimant signed in or dropped off any documentation from December 27 – 29, 2012. Claimant did, however, submit asset verification to the Department on January 31, 2013 and February 12, 2013. Verification of residence and assets are required in determining FIP eligibility. There was no request for extension. The evidence on record is insufficient to support a finding that Claimant provided the requested documentation by the due date. Therefore, the Department acted in accordance with policy when it denied the FIP application based on failure to provided verification necessary to determine eligibility

Accordingly, the Department's action of denying the application for FIP benefits on February 1, 2013 is upheld.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with policy when it denied the Claimant's December 18, 2012 application for FIP benefits.

Accordingly, the Department's FIP determination is hereby, **AFFIRMED**.

*M. Howie*

**MICHELLE HOWIE**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 4/4/2013

Date Mailed: 4/4/2013

**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

MH/hw

cc:

