

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

IN THE MATTER OF:



Reg. No.: 201333048
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: June 12, 2013
County: Wayne County (#31)

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 February 25, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday June 12, 2013 from Detroit, Michigan. The Claimant appeared and testified. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

ISSUE

Whether the Department properly closed Claimant's cash assistance (FIP) benefits for failure to comply with verification requirements?

FINDINGS OF FACT

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

1. The Claimant was an ongoing FAP recipient subject to redetermination.
2. On November 13, 2012, the Department sent a redetermination packet to Claimant with a due date of December 7, 2012. (Exhibit 1)
3. The Claimant failed to submit the requested information resulting in the telephone interview not being held.

4. On December 14, 2012, the Department sent Notice of Case Action informing Claimant that her FIP benefits would close effective January 1, 2013, for failure to complete the redetermination process.
5. The Department did not receive the Claimant's information prior to December 31, 2012.
6. On February 25, 2013, the Department received the Claimant's written hearing disputing the Department's Action.

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.

The Department periodically re-evaluates cases to ensure that eligibility for program benefits continues. A redetermination is a periodic review. The Department sends an application form and a verification checklist requesting required verifications be returned by a specified date. Clients must cooperate in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105 (September 2012), p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 (May 2012), p. 1. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification(s). BAM 130 For FIP purposes, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 (November 2012). If the client does not complete the redetermination process, benefits expire at the end of the benefit period. BAM 210.

In this case, the Department sent the redetermination packet to the Claimant on November 13, 2012 with a due date of December 7, 2012. Claimant failed to submit the packet by the due date. Claimant testified that she did not receive the packet. The proper addressing and mailing of a letter creates a legal presumption that it was received. *Stacey v Sankovich*, 19 Mich App 688, 694 (1969) In this case, the redetermination was sent to the Claimant's proper address on record. Notably, Claimant testified that she received all other mail sent to the same address. Therefore, she did

not sufficiently rebut the presumption. The Department did not receive Claimant's documentation prior January 3, 2013, and thus, the benefits terminated in accordance with department policy. Accordingly, the Department's determination is UPHeld.

On January 31, 2013, Claimant subsequently re-applied cash assistance which was denied. This decision does not address the subsequent denial. Claimant may file a hearing request concerning that issue within 90 days of the notice of case action.

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 terminated Claimant's FIP benefits effective January 1, 2013.

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



Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/20/2013

Date Mailed: 6/20/2013

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:

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- 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:

