

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

**IN THE MATTER OF:**

[REDACTED] Reg.  
[REDACTED]  
Hearing

No: 2013-23340  
Case No: [REDACTED]  
Issue No: 1038  
Date: May 30, 2013  
County: Macomb-12

**ADMINISTRATIVE LAW JUDGE:** Vicki L. Armstrong

**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 received on December 17, 2012. After due notice, a telephone hearing was held on May 30, 2013. Claimant personally appeared and provided testimony. Eligibility Specialist [REDACTED] [REDACTED] provided testimony on behalf of the department.

**ISSUE**

Whether the department properly denied Claimant's Family Independence Program (FIP) application?

**FINDINGS OF FACT**

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

1. Claimant applied for FIP benefits and was instructed to provide verification of loss of employment.
2. On November 28, 2012, Claimant was notified that her application for FIP was denied for failure to provide proof of loss of employment. (Ex 9).
3. Claimant submitted a hearing request on December 17, 2012, protesting the closure of her FIP benefits. (Request for a Hearing).

**CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Rules 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code, Rule 400.903(1). Clients have the right to contest a department decision affecting eligibility

or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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), Reference Table Manual (RTM), and the Reference Tables Manual (RTM).

The department uses the Verification Checklist, DHS-3503, to tell the client what verification is required, how to obtain it and the due date. The client must obtain the required verification, but the department must assist if they need and request help. BAM 130.

A client is allowed 10 calendar days (or other time limit specified in policy) to provide the verification requested by the department. The department sends 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.

In this case, Claimant testified that she attempted to have her previous employer complete the DHS-38, Verification of Employment, but her employer would not fill it out until she paid them \$[REDACTED]. Claimant stated she did not have the \$[REDACTED] to give them to fill it out and she had informed the department of the problem. The department admitted that they had also tried to have Claimant's previous employer complete the DHS-38 without success, and the employer was not listed in the Work Number.

According to departmental policy, the client must obtain required verifications, but the department must assist if the client needs and requests help. If neither the client nor the department can obtain verifications despite a reasonable effort, the department may use the best available information. If no evidence is available, the department shall use their best judgment. BAM 130.

In this case, the department was also unable to obtain information from Claimant's employer. Therefore, the department was able to use their best judgment in determining whether Claimant was still employed at the time of application and failed to do so.

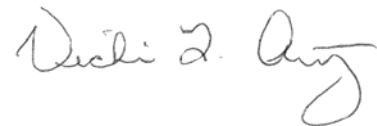
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly denied Claimant's application.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not properly deny Claimant's FIP benefits. Accordingly, the department's decision is **REVERSED**.

The department shall send out the Verification of Employment directly to the Employer to verify Claimant is no longer working there. If the department does not receive the Verification of Employment back from the employer, then the department shall follow its policy and use their best judgment in determining Claimant's eligibility for FIP benefits.

It is SO ORDERED.



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Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 17, 2013

Date Mailed: June 17, 2013

**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.

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.

2013-23340/VLA

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

VLA/las

cc:

