

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 20134804
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Wayne (#57)

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 27, 2013. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Family Independence Specialist) and [REDACTED] (Family Independence Manager).

ISSUE

Whether the Department properly denied Claimant's application for cash assistance ("FIP") benefits due to a 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 applied for FIP benefits.
2. The Department sent a verification checklist to Claimant dated August 22, 2012 requesting proof of residential address, due by September 4, 2012. (Exhibit 1)
3. On or about September 14, 2013, the Department denied Claimant's application for FIP benefits.
4. On October 1, 2013, the Department received the Claimant's written hearing

request disputing the 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) is temporary cash assistance to support a family’s movement to self sufficiency. It 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 (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. The client must obtain the required verification, however, the Department must assist if needed and/or requested. BAM 105, p. 8; 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. Client’s are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5. For FAP, a negative action notice should be 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 it. BAM 130, p. 5.

As a condition of FIP eligibility, all Work Eligible Individuals (“WEI”) must engage in employment and/or self-sufficiency related activities. BEM 233A (December 2011), p. 1. A recipient is considered non-compliant for failing or refusing to appear and participate with the Jobs, Education, and Training Program (“JET”) or other employment service provider. BEM 233A, pp. 4, 5. Failure by a recipient to participate fully in assigned employment activities while the FIP application is pending will result in denial of FIP benefits. Bridges automatically denies FIP benefits for noncompliance while an application is pending.

In this case, the Claimant submitted an electronic application for FIP benefits. The Department initiated processing and sent a Verification Checklist (VCL) to the Claimant requesting proof of residential address with a due date of September 4, 2012. The Department asserts in the hearing summary that the Claimant did not provide the proofs by the due date as the reason for denial of the application. Claimant testified credibly that she provided all requested documentation; and that she thought the denial was due

to an issue with her attending the work participation program . According to Claimant, she was scheduled to attend the porgam but called the Department worker on September 4, 2012 to try to reschedule the appointment for another day because she was in school. On September 13, 2012, she spoke to the Department worker about rescheduling for the work participation program and was told that the worker had no control over the dates required to attend.

The parties provided conflicting information regarding the reason for the application denial. There was no Notice of Case Action presented by the Department, therefore, it is unclear from the record the actual reason for the FIP application denial. The Department worker that appeared at hearing was not the worker who processed the application. She testified that she had no direct knowledge of what occurred, or the basis for the action, other than what was provided in the hearing summary. Nothing in this record indicates that there was such a discrepancy with the Claimant's residential address that would have prevented the Department from determining FIP eligibility. On this record, the evidence is insufficient to support a finding that the action taken by the Department was in accordance with Department policy. Therefore, the Department's action is not 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 did not establish that it acted in accordance with policy when it denied the Claimant's FIP application on September 14, 2012.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate and reprocess Claimant's FIP application retroactive to August 2012.
2. The Department shall supplement for lost FIP benefits (if any) the Claimant was otherwise eligible and qualified to receive in accordance with department policy.

3. The Department shall refer the Claimant back to Work First and identify barriers to attendance (if any) that need to be addressed.

M. Howie

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

Date Signed: 4/5/2013

Date Mailed: 4/5/2013

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:

