

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

IN THE MATTER OF:

████████████████████
██
████████████████████

Reg. No.: 2013-44321
Issue No.: 1008
Case No.: 1 ██████████
Hearing Date: June 27, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 held on June 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On April 19, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that she failed to provide verification information to the
Department.
3. On April 19, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On April 25, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department 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 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the Department policy that is applicable to this case is Bridges Administrative Manual (BAM) 105, "Rights and Responsibilities." BAM 105 requires the Department to determine eligibility, provide benefits and protect client rights. The client for her part must cooperate fully with all Department requests for information. Department of Human Services Bridges Administrative Manual (BEM) 105 (2013).

The facts of this case are that Claimant applied for FIP benefits on March 12, 2013. Claimant lived in an upper flat in a two-story house. The lower flat is occupied by Claimant's mother.

On her application Claimant gave the correct house number and street, but failed to state that she lived in the upper flat.

On March 13, 2013, the Department issued a Verification Checklist to Claimant which was never received.

After she applied, Claimant attended the twenty-one-day orientation program known as "AEP." The witnesses could not provide the words behind the acronym. She completed the AEP program and was placed in the next program, Partnership.Accountability.Training.Hope (PATH), and served two days in the PATH program.

During the month after she applied, Claimant called her Department Specialist, K. Wardell, six times and left detailed messages asking if there were documents she needed to provide to the Department. The Department did not return Claimant's calls.

This case presents a situation where Claimant was fully cooperative with the Department, but unfortunately she did not receive a document asking her for documentation. The failure to receive the Verification Checklist could be attributed to the Claimant, the U.S. Postal Service, the Claimant's mother, or the Department, but the fact remains that Claimant fully cooperated with the Department. In fact, Claimant's subsequent actions evidence full cooperation, as she has reapplied for FIP and reentered the twenty-one day AEP orientation in order to qualify for benefits.

BAM 105 requires the Department to protect client rights even if the client makes an error such as failing to write "Upper flat" on her application. BAM 105 allows even client errors to be corrected, as long as the client is fully cooperating with the Department.

Having considered all of the evidence in this case as a whole, it is found and determined that the Department erred in denying Claimant's FIP application. The fact that Claimant did not receive the Verification Checklist is not the only fact to be considered in this case. It is important to consider that if the Department had responded to even one of Claimant's voice mail messages, it is probable that Claimant would have complied with the document request in a timely fashion.

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

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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

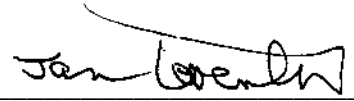
did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Reinstate Claimant's March 12, 2013 FIP application.
2. Issue a new Verification Checklist to Claimant requesting necessary documentation.

3. Accord full credit to Claimant for her completion of the AEP orientation program on or about April 15, 2013.
4. Provide retroactive and ongoing benefits to Claimant at the benefit level to which she is entitled.
5. All steps shall be taken in accordance with Department policy and procedure.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July, 2013
Date Mailed: July 8, 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 affect the substantial rights of the claimant,
 - 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

JL/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]