

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-35972
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: August 28, 2013
County: Washtenaw County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 August 28, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED].

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

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

FINDINGS OF FACT

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

1. On November 30, 2012 the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP benefits were closing effective December 31, 2012.
2. At some point in time prior to the FIP closure, the Claimant met with the Department and resolved the prior notice of case action. The Department agreed to re-instate the case pending verifications.
3. On December 31, 2012, the Department closed the Claimant's FIP case.

4. On January 11, 2013, the Department sent the Claimant a verification checklist regarding school attendance. The verifications were due January 22, 2013. The Department did not send the necessary verification documents the Claimant needed to comply with the verification checklist.
5. On or around January 22, 2013, the Claimant contacted the Department. At that time, the Department sent the Claimant the necessary verification forms the Claimant needed to comply with the January 11, 2013 verification checklist.
6. On February 11, 2013, the Claimant returned the requested school verifications using the forms the Department provided on January 22, 2013.
7. On March 1, 2013, the Department sent the Claimant a notice of case action.
8. On March 14, 2013, the Claimant requested a hearing regarding the December 31, 2012 FIP closure.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The 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, R 400.3101 through Rule 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. This includes completion of necessary forms. Clients must completely and truthfully answer all questions on forms and in interviews.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information.

When obtaining verifications, the Department must tell the client what verifications are being requested, how to obtain them and the due date. And if a Client fails to return the requested verifications during the time period provided, the Department is to send a negative action notice. BAM 130.

In this case, the Department acknowledges that they did not provide the Claimant with the necessary forms (DHS-3380) to comply with the verification request and again in acknowledged a failure to send a negative action notice when the Department did not receive the requested verifications by their extended due date. Additionally, the Department never notified the Claimant that the due date was being extended.

Therefore, the Department failed to comply with policy in failing to provide the Claimant with a way to comply with the verification forms, failing to notify the Claimant of the closure, and failing to provide notification to the Claimant of the applicable due dates when they unilaterally extended them.

Additionally, the Claimant requested a hearing by filling out a hearing request form that was part of a March 1, 2013 notice of case action. There was no testimony as to what the March 1, 2013 notice of case action was or what it was for. The only notice of case action the Department was aware of was one issued on November 30, 2012.

Accordingly, I find evidence to **REVERSE** the Department's actions in this matter.

DECISION AND ORDER

I find based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did act properly.

Accordingly, the Department's decision is **REVERSED**.

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

1. Initiate a redetermination as to the Claimant's eligibility for FIP benefits beginning December 31, 2012 and issue retroactive benefits if otherwise eligible and qualified.



Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 29, 2013

Date Mailed: August 29, 2013

NOTICE OF APPEAL: 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 or

Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc:

