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

| IN THE MATTER OF:  |  |   |  |
|--|--|---|--|
|  | Reg. No.:<br>Issue No.:<br>Case No.:<br>Hearing Date:<br>County: | 2013-43177<br>1005<br>August 22, 2013<br>Washtenaw County DHS |  |
| ADMINISTRATIVE LAW JUDGE: Corey A. Arendt  |  |   |  |
| HEARING DECISION   |  |   |  |
| This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on August 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant inc luded Participants on behalf of the Department of Human Services (Department) included |  |   |  |
| <u>ISSUE</u>   |  |   |  |
| Did the Departm ent properly $\  \  \  \  \  \  \  \  \  \  \  \  \ $  |  |   |  |
| Food Assistance Program (FAP)?   | _  | sistance (AMP)?<br>ssistance (SDA)?<br>ent and Care (CDC)?    |  |
| FINDINGS OF FACT   |  |   |  |
| The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:   |  |   |  |
| 1. Cla imant ☑ applied for benefits ☐ received benefits for:   |  |   |  |
|  |  |   |  |

2. On March 12, 2013, the Depa rtment sent the Claimant a verification chec klist. The checklist was due March 22, 2013.

Adult Medical Assistance (AMP).

State Disability Assistance (SDA).

Child Development and Care (CDC).

Family Independence Program (FIP).

Food Assistance Program (FAP).

Medical Assistance (MA).

3. On March 22, 2013, the Claimant went to the Department for a meeting with her worker. The worker was not there and the Claimant met with another Department employee who in dicated he was unfamiliar with the cash program. The Claimant urged the worker to take her verification documents and inquired about the school

|    | verifications. The worker indic ated the Department would sent her the school verification forms in the mail.  |
|----|--|
| 4. | On March 25, 2013, the Department<br>⊠ denied Claimant's application □ closed Claimant's case due to a failure to provide verifications.             |
| 5. | On March 25, 2013, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure.                           |
| 6. | On April 17, 2013, Claimant filed a hearing request, protesting the ⊠ denial of the application. ☐ closure of the case.                              |
| 7. | At no point in time did the Department sent the Claimant the school verification forms like they indicated they would at the March 22, 2013 meeting. |

## **CONCLUSIONS OF LAW**

Department policies are contained in the Br idges 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, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Clients have the right to contest a Departm ent decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to rev iew the decision and determine the appropriateness of that decision. (BAM 600).

Department policy indicates that clients must cooperate with the loca of loffice in determining initial and ongoing eligibility with all programs. (BAM 105). This includes completion of the necessary forms. Clied nts who are able to but refuse to provide necessary information or take a required action are subject to penalties. (BAM 105).

Testimony and other evidence must be we ighed and considered according to its reasonableness. Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the

<sup>1</sup> Gardiner v Courtright, 165 Mich 54, 62; 130 NW 322 (1911); Dep't of Community Health v Risch, 274 Mich App 365, 372; 733 NW2d 403 (2007).

<sup>&</sup>lt;sup>2</sup> Dep't of Community Health, 274 Mich App at 372; People v Terry, 224 Mich App 447, 452; 569 NW2d 641 (1997).

reasonableness of the witness 's testimony, and the interest, if any, the witness may have in the outcome of the matter.<sup>3</sup>

I have carefully reviewed the testimony and doc uments submitted and find the Claimant's testimony to be more reflective of what transpired as the Claimant was the only party to offer first hand testimony of what transpired and her statement of events was corroborated by the sign in log kept by the Department. Therefore, I find that more likely than not, the Claimant did meet with a worker on the 22<sup>nd</sup> and the worker indicated the Department would be send ing the Claimant the verification materials the Claimant was asking about. Thereafter, the Departm ent failed to send those materials and shortly thereafter denied the Clai mant's application for failing to return the very forms the Department indicated 3 days earlier that they would send to the Claimant.

Because t he Department failed to provi de the necessary forms to co mplete the verification process, I find the Department's actions to be in appropriate. And therefore am reversing the Department in this matter.

## **DECISION AND ORDER**

I find based upon the above F indings of Fact and Conclusions of Law, and for the reasons stated on the record, the Department did not 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 Claim ant's eligibility for FIP benefits beginning March 6, 2013 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 26, 2013

Date Mailed: August 26, 2013

<sup>&</sup>lt;sup>3</sup> People v Wade, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

**NOTICE OF APPE AL:** Michigan Administrative Hearin g 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 dec ision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

The claimant may appeal the De cision and Order to Circuit Court within 30 days of the receipt of the Dec ision a nd Order or, if a tim ely 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 disc overed evidence that existed at the time of the or iginal 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 clai mant must specify all reas ons 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

