

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

IN THE MATTER OF:



Reg. No.: 2013-51102
Issue No.: 1005; 6015
Case No.: [REDACTED]
Hearing Date: August 8, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Partnership. Accountability. Training. Hope. (PATH) worker.

ISSUES

Did the Department properly deny Claimant's Family Independence Program (FIP) program application effective May 1, 2013, ongoing, due to her failure to comply with the verification requirements?

Did the Department properly deny Claimant's Child Development and Care (CDC) program application effective April 7, 2013, ongoing, due to her failure to comply with the 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. On April 3, 2013, Claimant applied for FIP benefits. See Exhibit 1.
2. On April 12, 2013, Claimant applied for CDC benefits. See Exhibit 1.
3. On May 8, 2013, the Department sent Claimant a Verification Check list (VCL), which was due back by May 20, 2013. Exhibit 1.
4. The Department never received the requested verifications.
5. On May 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective May 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.

6. On May 22, 2013, the Notice of Case Action also notified Claimant that her CDC application was denied effective April 7, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.
7. On May 30, 2013, Claimant filed a hearing request, protesting the denial of her FIP and CDC applications. Exhibit 1.

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

In this case, on April 3, 2013, Claimant applied for FIP benefits. See Exhibit 1. On April 12, 2013, Claimant applied for CDC benefits. See Exhibit 1. On May 8, 2013, the Department sent Claimant a Verification Checklist (VCL), which was due back by May 20, 2013. Exhibit 1. The Department testified that it never received the requested verifications. On May 22, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective May 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1. On May 22, 2013, the Notice of Case Action also notified Claimant that her CDC application was denied effective April 7, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.

Clients must cooperate with the local office in completing necessary forms for determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. The client must obtain required verification, but the Department must assist if they need and request help. BAM 130 (May 2012), p. 3. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department uses the best available information. BAM 130, p. 3. If no evidence is available, the Department uses its best judgment. BAM 130, p. 3.

For FIP and CDC cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification it requests. BAM 130, p. 5. However, there is an exception for CDC only, if the client cannot provide the verification despite a reasonable effort, the Department extends the time limit at least once. BAM

130, p. 5. Also for FIP and CDC cases, if 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, then policy directs that a negative action be issued. BAM 130, p. 5.

At the hearing, the Department testified that it never received any of the requested verifications. Moreover, the Department testified that it could not recall if the Claimant ever contacted the Department requesting assistance on the verification documents.

Additionally, Claimant testified that she did receive the May 8, 2013 VCL request. See Exhibit 1. Furthermore, Claimant testified that she submitted the requested verifications at the local DHS office. Claimant testified that she signed the logbook when she submitted the documents. Thus, during the hearing, the Department retrieved the logbook to verify if whether Claimant submitted the verification documents. Both the Department and Claimant reviewed the logbook and discovered that Claimant did not submit/sign the logbook for the time period of May 2013.

Based on the foregoing information and evidence, the Department properly denied Claimant's CDC and FIP applications. The Department credibly testified that it did not receive any of the verifications it requested. Claimant testified that she did submit the documents at her local DHS office and signed the logbook. However, during the hearing, both the Department and Claimant reviewed the logbook and discovered no submissions. Thus, the Department properly denied Claimant's CDC application effective April 7, 2013, ongoing, in accordance with Department policy. BAM 130, p. 5. Also, the Department properly denied Claimant's FIP application effective May 1, 2013, ongoing, in accordance with Department policy. BAM 130, p. 5.

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 (i) properly denied Claimant's FIP application effective May 1, 2013, ongoing, and (ii) properly denied Claimant's CDC application effective April 7, 2013, ongoing.

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



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 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

EJF/las

cc:

