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

#### IN THE MATTER OF:



2013-35080 Reg. No.: Issue No.: 1005 Case No.: Hearing Date: County: Wayne (55)

July 31, 2013

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

# **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 July 31. 2013. from Detroit. Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services Assistance Payment Supervisor from Hamtramck (Department) was Department local office and Eligibility Specialist from Grandmont Service Center.

## ISSUE

Did the Department properly deny Claimant's applic ation for Family Independence Program (FIP) benefits?

# FINDINGS OF FACT

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

- 1. On July 13, 2012, Claimant submitted an application for FIP benefits.
- 2. On August 23, 2012, Department sent Claimant a Verification Checklist (VCL) for which Claimant was required to submit requested verifi cations by September 4, 2012. (Exhibit 1)
- 3. On December 13, 2012 the Department sent Claimant a Notice of Case Action informing her that her FIP application was denied based on a failure to verify requested information. (Exhibit 2).
- 4. On December 27, 2012, Claimant Department's actions.

filed a hearing reques t, disputing the

## CONCLUSIONS OF LAW

Department polic ies are foun d in the Department of Human Servic es Bridges Administrative Manual (BAM), the Brid ges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

# FIP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation 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 t hrough R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, verification is usually requinered at appliciation/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (May 2012), p.1. To request verification of information, the Department sends a VCL which tells the client what verification is required, how to obtain it, and the due date. BAM 130, pp. 2-3. FIP clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, p.5. The Department sends a negative action notice when the client indicates a refusal to provide a verification or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 5.

In this case, on August 23, 2012, Department sent Claimant a VCL for which Claimant was required to submit to the Department verification of her residential address by September 4, 2012. (Exhibit 1). The Department testified that because Claimant did not return the requested v erification timely, it denied her FI P application and provided her notice by way of a Notice of Case Action. (Exhibit 2) Claimant credibly testified that she submitted the requested information by the due date. The Department acknowledged its error and presented a copy of Claimant's driver's license that is date stamped a s received on September 4, 2012. (Exhibit 3).

Therefore, because there was sufficient evidence to establis h that Claimant did return the requested verifications to the Department prior to the due date, the Department did not act in accordance with Department policy when it denied Claimant's FIP application for a failure to verify requested information.

# 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 r ecord, finds that the Department did not act in accordance with Department policy when it denied Claimant's FIP application for a failure to v erify requested information. Accordingly, the Department's FIP decision is **REVERSED**.

### 2013-35080/ZB

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

- 1. Reregister Claimant's July 13, 2012 FIP application;
- 2. Begin reprocessing t he application from July 13, 2012 ongoing in accor dance with Department policy and consistent with this Hearing Decision;
- 3. Begin issuing supplements to Claimant for any FIP benefits that she was eligible to receive but did not from July 13, 2012 ongoing in accordance with Department policy; and
- 4. Notify Claimant of its decision in writing in accordance with Department policy.

Laurab Raydown

Zainab Baydoun Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 2013

**NOTICE OF APPE AL:** 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 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 discovered 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.

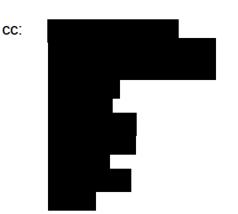
The Department, AHR or the clai mant must specify all reas ons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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



#### ZB/las