

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201325650
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: June 25, 2013
County: Roscommon

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on June 25, 2013. Claimant appeared and testified. The Departmental actions at issue occurred in Gladwin County. The Gladwin County DHS worker, [REDACTED], was scheduled to participate by telephone. Due to other hearings being conducted, this hearing did not start until 45 minutes after the scheduled time. The telephone number of the Gladwin County DHS worker was called but there was no answer.

ISSUE

Did the Department of Human Services properly deny Claimant's December 7, 2012 Family Independence Program (FIP) application for failure to provide required verifications?

FINDINGS OF FACT

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

- (1) On December 7, 2012, Claimant submitted an application for Family Independence Program (FIP) benefits. On the application Claimant indicated that her significant other, [REDACTED], had quit a job.
- (2) On December 11, 2012, a Verification Checklist (DHS Form 3503) was sent to Claimant requesting verification of [REDACTED] loss of employment. The verification was due back on December 21, 2012.

- (3) On January 4, 2013, the Department had not received verification of [REDACTED] [REDACTED] loss of employment. Claimant was sent a Notice of Case Action (DHS-1605) which stated the Family Independence Program (FIP) application was denied.
- (4) On January 15, 2013, Claimant submitted a request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Claimant testified that during the intake interview with C/W [REDACTED], she requested help getting the loss of employment verification for [REDACTED] because his previous work location was a couple of hours drive away. Claimant also testified that C/W [REDACTED] said she would fax a Verification of Employment (DHS Form 38) form to [REDACTED] former employer. Department of Human Services Bridges Administration Manual (BAM) 130 (2012) page three states: The client must obtain required verification, but you must assist if they need and request help. If neither the client nor you can obtain verification despite a reasonable effort, use the best available information. If no evidence is available, use your best judgment.

Claimant's testimony during this hearing is found to be consistent with information in the evidentiary record and credible. Claimant's testimony regarding the request for assistance is not refuted by any evidence in the record. Denial of this Family Independence Program (FIP) application was not in accordance with the Department policy cited above.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's December 7, 2012 Family Independence Program (FIP) application for failure to provide required verifications.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **REVERSED**.

It is further ORDERED that Claimant's December 7, 2012 application be reinstated and processed in accordance with Department policy.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 07/18/2013

Date Mailed: 07/19/2013

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/sw

cc:

