

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-34572  
Issue No.: 1005,1038  
Case No.: [REDACTED]  
Hearing Date: April 10, 2013  
County: Oakland (03)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**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 conducted from Detroit, Michigan on Wednesday, April 10, 2013. The Claimant appeared and testified. Participants on behalf of the Department of Human Services ("Department") include [REDACTED] Family Independence Manager.

**ISSUE**

Did the Department properly close Claimant's cash assistance (FIP) case due to a failure to verify requested information?

**FINDINGS OF FACT**

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

1. Claimant was an ongoing recipient of FIP benefits.
2. On January 3, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting verification of her son's school enrollment by January 14, 2013. (Exhibit 1, p.1)

3. On December 1, 2012, the Department sent Claimant a Work Participation Program Appointment Notice instructing her to attend work participation orientation on December 17, 2012 or December 22, 2012.
4. Claimant did not attend the work participation program orientation.
5. On February 7, 2013 the Department sent Claimant a Notice of Noncompliance instructing her to attend a triage appointment on February 15, 2013 to discuss whether good cause existed for her noncompliance. (Exhibit 1, pp. 8-9)
6. On February 7, 2013 the Department sent Claimant a Notice of Case Action informing her that the Department intended to terminate her FIP benefits due to a failure to verify requested information (Exhibit 1, pp. 5-6)
7. Claimant appeared at the triage meeting held on February 15, 2013 at which the Department determined that Claimant had established good cause for the noncompliance because she alleged a disability.
8. On February 15, 2013, the Department sent Claimant Medical Review Team (MRT) documents and a verification of student information form that were to be completed and returned to the Department on or before February 25, 2013.
9. Claimant did not provide the requested information on or before February 25, 2013.
10. The Department closed Claimant's FIP case effective March 1, 2013 for failure to verify requested information.
11. On March 8, 2013, Claimant filed a request for hearing disputing the Department's actions.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services 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.

Verification is usually required at application/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 Verification Checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p p. 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.

Additionally, as a condition of FIP eligibility, all Work Eligible Individuals (“WEI”) must engage in employment and/or self-sufficiency related activities. BEM 233A (November 2012), p. 1. The WEI can be considered noncompliant for several reasons including: failing or refusing to appear and participate with the work participation program or other employment service provider, failing or refusing to appear for a scheduled appointment or meeting related to assigned activities, and failing or refusing to participate in employment and/or self-sufficiency related activities. BEM 233A, pp 1, 2. Good cause is a valid reason for noncompliance with employment and/or self-sufficiency related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, pp. 3, 4. Good cause includes any of the following: the client is employed for 40 hours/week, the client is physically or mentally unfit for the job, the client has a debilitating illness or injury or a spouse or child’s illness or injury requires in-home care by the client, the Department, employment service provider, contractor, agency or employer failed to make a reasonable accommodation for the client’s disability, no child care, no transportation, the employment involves illegal activities, the client experiences discrimination, an unplanned event or factor likely preventing or interfering with employment, long commute or eligibility for an extended FIP period. BEM 233A, p. 4. A WEI who fails, without good cause, to participate in employment or self-sufficiency-related activities, must be penalized. BEM 233A, p.1.

In processing a FIP closure, the Department is required to send the client a notice of noncompliance, which must include the date(s) of the noncompliance; the reason the client was determined to be noncompliant; and the penalty duration. BEM 233A. p.8-9. Pursuant to BAM 220, a Notice of Case Action must also be sent which provides the reason(s) for the action. BAM 220 (November 2012), p. 9. Work participation program participants will not be terminated from a work participation program without first scheduling a triage meeting with the client to jointly discuss noncompliance and good cause. BEM 233A, p. 7. Clients must comply with triage requirements and provide good cause verification within the negative action period. BEM 233A, p. 7. Good cause is based on the best information available during the triage and prior to the negative action date. BEM 233A, p. 8 If the client establishes good cause within the negative action period, the Department is to reinstate benefits and delete the negative action if the client provided the information to meet the requirement that caused the negative action. BEM 233A, p. 11; BAM 220, p.10.

In this case, Claimant was an ongoing recipient of FIP benefits. On January 3, 2013, the Department sent Claimant a VCL requesting verification of her son's school enrollment by January 14, 2013. (Exhibit 1, p.1). Because Claimant did not submit the requested verification to the Department by January 14, 2013, the Department sent Claimant a Notice of Case Action on February 7, 2013 informing her that the Department intended to terminate her FIP benefits effective March 1, 2013 due to a failure to verify requested information (Exhibit 1, pp. 5-6). See BAM 130, pp. 1-5; BEM 233A, pp. 7-9; BAM 220, p. 9.

Additionally, on December 1, 2012, the Department sent Claimant a Work Participation Program Appointment Notice instructing her to attend work participation orientation on December 17, 2012 or December 22, 2012. Because Claimant did not attend this appointment, the Department sent her a Notice of Noncompliance on February 7, 2013, instructing her to attend a triage appointment on February 15, 2013 to discuss whether good cause existed for her noncompliance. (Exhibit 1, pp. 8-9). At the triage meeting on February 15, 2013, Claimant alleged that she had a disability and that she was unable to work. The Department determined that Claimant had good cause for her noncompliance and deferred her from participation in the work participation program. BEM 233A, pp.1-4. Since the Department had not yet received verification of school enrollment for Claimant's son, it sent Claimant a second verification form and an MRT packet, both of which Claimant was required to complete and return by February 25, 2013.

At the hearing, Claimant testified that her son's school counselor faxed the completed verification form on March 7, 2013; however, the Department did not receive it. Claimant testified that she gave the MRT forms to her doctor to complete and that her doctor stated that she would complete the forms when she got a chance. Claimant verified that she did not request an extension or ask the Department for more time to turn in the requested MRT documents. The Department received the completed MRT documents on March 21, 2013. Because Claimant failed to submit the verification of her son's enrollment in school and the completed MRT documents by February 25, 2013, the Department properly closed Claimant's FIP case effective March 1, 2013 for failure to verify requested information. Although good cause was established at the triage for Claimant's noncompliance, Claimant did not submit the completed documents to the Department in a timely manner, resulting in the closure of her FIP case. Accordingly, the Department's actions are AFFIRMED.

### **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 acted in accordance with Department policy when it terminated Claimant's FIP benefits due to a failure to verify requested information.

Accordingly, the Department's decision is hereby AFFIRMED.



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

Date Signed: April 18, 2013

Date Mailed: April 18, 2013

**NOTICE:** 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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ZB/cl

cc:

