

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2014-11847
Issue No(s): 1002
Case No.: ██████████
Hearing Date: January 29, 2014
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 29, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist.

ISSUE

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

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 September 30, 2013, Claimant submitted an application for FIP benefits.
2. On October 2, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting that she submit proof of her identity, residential address and home rent by October 14, 2013. (Exhibit 3)
3. On November 8, 2013, the Department sent Claimant a Notice of Case Action informing her that her application had been denied on the basis that she failed to verify information necessary to determine eligibility for FIP. (Exhibit 2)

4. On November 7, 2013, Claimant was verbally informed that her FIP application was denied and she submitted a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2013), 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, p.3. The client must obtain the required verification, but the Department may assist if the client needs or requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department is to use the best available information and if no evidence is available, the Department is to use its best judgment. BAM 130, p.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, pp.5-6. 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. 6.

In this case, in connection with her FIP application, on October 2, 2013, the Department sent Claimant a VCL requesting that she submit verification of her identity, residential address, and home rent by October 14, 2013. (Exhibit 3). The Department testified that because Claimant did not return the requested verifications by the due date, it denied Claimant's FIP application and on November 8, 2013, provided her with a Notice of Case Action informing her of the denial based on a failure to return verifications. (Exhibit 2).

At the hearing, Claimant testified that she received the VCL and that in response, she submitted a copy of her ID, proof of her address and other information regarding her bills. Claimant credibly stated that she dropped off the documents on October 14, 2013, to the Department local office after she completed her PATH Intake. A review of the case notes establishes that Claimant did complete her PATH intake on October 14, 2013, which supports her testimony. (Exhibit 1).

The Department testified that Claimant's application was also denied because she failed to complete the 21 Day AEP by refusing employment. The Department stated that Claimant refused employment by stating that she did not have a baby sitter for her children. According to BEM 229, clients should not be referred to orientation and AEP until it is certain that barriers to participation such as lack of child care or transportation have been removed, possible reasons for deferral have been assessed and considered, and disabilities have been accommodated. BEM 229 (July 2013), p. 2.

The reason for the intended action listed on the Notice of Case Action indicates that the application was denied based on a failure to verify information necessary, however, and makes no mention of a failure to complete the 21 Day AEP. Therefore, any denial on that basis is not proper.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that after further review of the evidence, the Department did not act in accordance with Department policy when it denied Claimant's FIP application based on a failure to verify.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Claimant's September 30, 2013, FIP application;
2. Issue supplements to Claimant for any FIP benefits that she was entitled to receive but did not from September 30, 2013, ongoing; and
3. Notify Claimant of its decision in writing.



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

Date Signed: February 19, 2014

Date Mailed: February 20, 2014

NOTICE OF APPEAL: 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.

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).

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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]