

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-33878
Issue No(s): 1001
Case No.: [REDACTED]
Hearing Date: April 23, 2014
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 April 23, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application dated February 4, 2014?

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 February 4, 2014, Claimant applied for FIP benefits and listed her applicable phone number at the time of application. See Exhibit 1.
2. In late February 2014, Claimant both contacted the Department and went to the local DHS office informing it that her phone had been disconnected.
3. On an unspecified date, the Department attempted to contact the Claimant for a FIP telephone interview; however, it was unsuccessful due to the phone being disconnected.

4. On March 13, 2014, the Department sent Claimant an Application Notice, which denied Claimant's FIP application due to her failure to meet the interview requirements. See Exhibit 1.
5. On March 17, 2014, Claimant filed a hearing request, protesting the FIP denial. See Exhibit 1.

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.

The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. BAM 115 (March 2014), p. 16. For FIP benefits, the Department must conduct a telephone interview at application with each adult mandatory group member before approving benefits. BAM 115, p. 19. If the group is ineligible or refuses to cooperate in the application process, the Department certifies the denial within the standard of promptness to avoid receiving an overdue task in the system. BAM 115, p. 22. The Department sends a DHS-1605, Client Notice, or the DHS-1150, Application Eligibility Notice, with the denial reason(s). BAM 115, p. 22.

In this case, on February 4, 2014, Claimant applied for FIP benefits. See Exhibit 1. In the application, Claimant provided her proper telephone number at that time. See Exhibit 1. On an unspecified date, the Department contacted the Claimant via the telephone number provided in the application to conduct a FIP telephone interview. The Department indicated that it attempted several occasions to contact the Claimant and was unable to make contact due to the service being disconnected. See Exhibit 1. As such, the Department sent Claimant an Application Notice, which denied Claimant's FIP application for failure to meet interview requirements. See Exhibit 1. Subsequent to the denial, the Department testified that it spoke to the Claimant on March 21, 2014, in which the Claimant stated the telephone information was incorrect on the application because she had to change her number several times due to the inability to pay her bill. See Hearing Summary, Exhibit 1.

At the hearing, Claimant did not dispute the telephone number she listed in the application eventually became disconnected. However, in late February 2014, Claimant testified her phone became disconnected and she contacted (using a friend's phone)

the Department and left a voicemail stating her phone issue and what she should do next. Then, the next day in late February 2014, Claimant testified that she went to the local DHS office and again explained the issues with her phone. Claimant testified that the Department gave her a flyer and notified her that all communication will be done via online. Then, Claimant testified that the next communication she received from the Department was the denial letter dated March 13, 2014.

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (January 2014), p. 7. This includes completion of necessary forms. BAM 105, p. 7. Clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105, p. 9. Other changes must be reported within 10 days after the client is aware of them. BAM 105, p. 10. The local office must assist clients who ask for help in completing forms or gathering verifications. BAM 105, p. 13. The local office must assist clients who need and request help to complete the application form. BAM 115, p. 2.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FIP application dated February 4, 2014. The Department did not know when the DHS caseworker attempted to call the Claimant for the telephone interview. Moreover, Claimant did not dispute that the phone number listed in the application was subsequently disconnected and no longer valid. Nevertheless, Claimant credibly testified that she contacted and visited her local DHS office informing them of her telephone issues in late February 2014. Claimant properly reported her change (telephone disconnection) to the Department before her FIP denial; however, the Department failed to act on the reported change. See BAM 105, pp. 9-10.

Moreover, Claimant requested assistance with the Department regarding her application process because her phone was disconnected and the Department failed to properly assist the Claimant. See BAM 105, p. 13 and BAM 115, p. 2. As such, the evidence presented that the Department was aware of Claimant's telephone being disconnected before the application denial and failed to assist the Claimant. Therefore, the Department improperly denied the FIP application dated February 4, 2014 and it will reprocess the application. See BAM 105, pp. 7, 9, 10, and 13; and BAM 115, p. 2.

DECISION AND ORDER


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 the Department did not act in accordance with Department policy when it improperly denied Claimant's FIP application dated February 4, 2014.

Accordingly, the Department's FIP 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. Initiate reregistration and reprocessing of Claimant's FIP application dated February 4, 2014;
2. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not in accordance with Department policy; and
3. Begin notifying Claimant in writing of its FIP decision in accordance with Department policy.



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

Date Signed: April 28, 2014

Date Mailed: April 28, 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

2014-33878/EJF

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/tm

cc |

