

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

IN THE MATTER OF:



Reg. No.: 201430289
Issue No.: 1002
Case No.: [REDACTED]
Hearing Date: April 8, 2014
County: Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly denied the Claimant's application for Family Independence Program (FIP) benefits for failure to provide the Department with information necessary to determine XXX eligibility to receive benefits?

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 5, 2013, the Claimant submitted an application for Family Independence Program (FIP) benefits.
2. On December 6, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting that the Claimant provide verification of her children's school attendance by December 16, 2013.
3. On December 18, 2013, the Department denied the application for Family Independence Program (FIP) benefits.
4. On February 5, 2014, the Claimant re-applied for Family Independence Program (FIP) benefits.
5. On February 7, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting that the Claimant provide verification of her children's school attendance by February 18, 2014.

6. On February 19, 2014, the Department notified the Claimant that it had denied the Family Independence Program (FIP) application.
7. The Department received the Claimant's request for a hearing on February 28, 2014, protesting the denial of Family Independence Program (FIP) benefits.

CONCLUSIONS OF LAW

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

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (March 1, 2013), p 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Department of Human Services Bridges Assistance Manual (BAM) 130 (May 1, 2012), p 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

On December 5, 2013, the Claimant submitted an application for Family Independence Program (FIP) benefits. On December 6, 2013, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting that the Claimant provide verification of her children's school attendance by December 16, 2013. On December 18, 2013, the Department denied the Claimant's application because it had not received the required verification material.

On February 5, 2014, the Claimant re-applied for Family Independence Program (FIP) benefits. On February 7, 2014, the Department sent the Claimant a Verification Checklist (DHS-3503) requesting that the Claimant provide verification of her children's school attendance by February 18, 2014. On February 19, 2014, the Department denied the Claimant's application because it had not received the required verification material.

The Claimant testified that she faxed copies of her children's report cards to the Department on December 14, 2013. The Claimant testified that her caseworker told her that it was not necessary to submit verification of school attendance in response to the February 7, 2014, Verification Checklist (DHS-3503) because it had been received.

The Claimant testified that she had a fax receipt from the December 14, 2013, submission of school records, but this receipt was given to her caseworker and it was not available during the hearing.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

This Administrative Law Judge finds that the Claimant has failed to provide sufficient evidence to establish that she provided the Department with verification of her children's school attendance in a timely manner. Therefore, the Department has established that it was acting in accordance with policy when it denied both of the Claimant's applications for Family Independence Program (FIP) benefits for failure to provide the Department with information necessary to determine her eligibility to receive benefits.

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 acted in accordance with Department policy when it denied the Claimant's Family Independence Program (FIP) applications.

Accordingly, the Department's decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 9, 2014

Date Mailed: April 9, 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

KS/hj

cc:

