

**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.: 14-008501
Issue No.: 1002
Case No.: ██████████
Hearing Date: October 16, 2014
County: MACOMB-DISTRICT 20
(WARREN)

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 October 16, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, ██████████, Hearings Facilitator.

ISSUE

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

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 May 27, 2014, Claimant applied for Cash (FIP) assistance.
2. On June 3, 2014, the Department sent Claimant a Verification Checklist (VCL), which requested verification of Claimant's pregnancy/due date, employment services, and residential address. See Exhibit 1, pp. 4-5. The verifications were due back by June 13, 2014. See Exhibit 1, p. 4.
3. On July 8, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash (FIP) application was denied effective July 1, 2014, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1, pp. 6-10.

4. On July 22, 2014, Claimant filed a hearing request, protesting the Cash (FIP) denial. See Exhibit 1, pp. 2-3.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 105 (April 2014), p. 6.

For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (July 2014), p. 6. The Department sends a negative action notice when the client indicates 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.

On May 27, 2014, Claimant applied for Cash (FIP) assistance. On June 3, 2014, the Department sent Claimant a VCL, which requested verification of Claimant's pregnancy/due date, employment services, and residential address. See Exhibit 1, pp. 4-5. The verifications were due back by June 13, 2014. See Exhibit 1, p. 4. The Department testified that Claimant failed to submit proof of her pregnancy. See Exhibit 1, p. 1. As such, on July 8, 2014, the Department sent Claimant a Notice of Case Action notifying her that her Cash (FIP) application was denied effective July 1, 2014, ongoing, due to her failure to comply with the verification requirements. See Exhibit 1, pp. 6-10.

At the hearing, Claimant argued that she submitted proof of her pregnancy on several different occasions. Claimant testified that she first provided proof of her pregnancy with her Food Assistance Program (FAP) application on or around February 2014.

Then, Claimant acknowledged receipt of the VCL dated June 3, 2014. Claimant testified that she mailed proof of her pregnancy with the other requested verifications

before the due date. Claimant testified that she contacted her DHS caseworker on or around June 16, 2014. A couple of days after, Claimant testified that she was notified by her caseworker that the Department did not receive the proof of pregnancy. Thus, Claimant testified she went to her physician and obtained another verification of her pregnancy and mailed it to the Department.

On or around the end of June 2014, Claimant testified she went online and found that the Department still did not receive verification of her pregnancy. Therefore, Claimant testified that she went to her local DHS office and submitted proof of her pregnancy on or around the end of June 2014 or beginning of July 2014. Claimant testified that she signed the log book.

During the hearing, the Department confirmed that it received verification of Claimant's pregnancy in August 2014 and that the FAP benefits subsequently increased because she gave birth to her child. However, the Department testified it reviewed Claimant's electronic case file and did not discover a submission around the end of June 2014 or beginning of July 2014. The Department, though, did not provide a copy of the electronic case file or rebut her testimony about her signing the log book. It should be noted that the Department testified that it was in transition of how documentation would be scanned/uploaded into its system (electronic).

A FIP certified group may be composed of only adults under specified circumstances. BEM 210 (July 2013), p. 13. Groups with no eligible child may consist of a pregnant woman and if married, her husband. BEM 210, p. 13. At the time of application, Claimant applied for Cash assistance based solely on her pregnancy. Claimant did not have any other children. Verification of pregnancy is required when FIP eligibility is based solely on the pregnancy. BEM 210, pp. 14 and 15.

Based on the foregoing information and evidence, the Department improperly denied Claimant's Cash (FIP) application dated May 27, 2014.

First, Claimant credibly testified that she submitted proof of her pregnancy before her due date and on multiple occasions. In fact, Claimant credibly testified that the Department already had proof of her pregnancy on or around February 2014 (FAP application).

Second, even if the Department alleges that Claimant did not submit proof of her pregnancy, the evidence established that she made a reasonable effort (multiple attempts) to provide the verifications before the time period had elapsed. See BAM 130, p. 6. Moreover, the Department did not dispute that it received Claimant's other requested verifications. See Exhibit 1, pp. 4-5. As such, the evidence established that Claimant made reasonable effort to submit the verifications requested. See Exhibit 1, pp. 4-5.

Because of Claimant's credible testimony and her reasonable effort to provide verification of her pregnancy before the due date, the Department improperly denied Claimant's Cash (FIP) application dated May 27, 2014. See BAM 130, p. 6 and BEM 210, pp. 13-15.


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 Cash (FIP) application dated May 27, 2014.

Accordingly, the Department's Cash (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 re-registration and processing of Claimant's Cash (FIP) application dated May 27, 2014;
2. Issue supplements to Claimant for any Cash (FIP) benefits she was eligible to receive in accordance with Department policy; and
3. Notify Claimant in writing of its Cash (FIP) decision.


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

Date Signed: **10/20/2014**

Date Mailed: **10/20/2014**

EJF / cl

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

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