

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009958
Issue No.: 1002, 3008
Case No.: [REDACTED]
Hearing Date: September 15, 2014
County: WAYNE-41 (FORT WAYNE)

ADMINISTRATIVE LAW JUDGE: Lynn Ferris

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, telephone hearing was held on September 15, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. A witness, [REDACTED] also appeared. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Hearing Facilitator.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application for FIP and reduce Claimant's benefits for FAP:

Family Independence Program (FIP)? Food Assistance Program (FAP)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for FIP cash assistance and was receiving Food Assistance.
2. The Claimant originally requested a hearing for both FIP and FAP, but prior to the hearing the issue regarding FAP benefits was resolved.
3. Claimant was required to submit requested verification of school attendance for [REDACTED] by August 18, 2014. Exhibit A

4. On 9/1/14, the Department denied the Claimant's FIP application for failure to provide verification due to no verification for [REDACTED]. Exhibit B
4. On 8/20/14, the Department sent Claimant notice of its action.
5. On 8/26/14, Claimant filed a hearing request, protesting the Department's action.

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), and Department of Human Services Reference Tables Manual (RFT).

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.

Additionally, in this case the Claimant credibly testified that on 8/8/14, the Claimant filed the requested verification and signed the sign-in book. The Claimant's testimony was unrebutted by the Department. The Claimant was advised at the prehearing conference that the Department had the verification for [REDACTED] and had no verification for another child, [REDACTED], which verification the Claimant credibly testified she provided to the Department on either 7/12/2014 or 7/14/2014. Based upon the Claimant's unrebutted testimony, and no Department witness being presented to testify who had knowledge of the case, the Department did not meet its burden of proof.

The Claimant's request for hearing regarding her FAP benefit reduction is dismissed as the issue was resolved prior to the hearing.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the Claimant's FIP application for failure to provide verification of a child's school attendance.

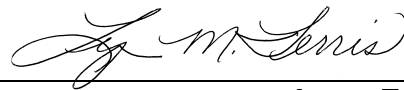
DECISION AND ORDER

Accordingly, the Department's decision denying the Claimant's FIP application is REVERSED.

The Claimant's Request for hearing regarding the Department's reduction of her FAP benefits is DISMISSED

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. The Department shall re-register the Claimant's FIP application and process the application.
2. The Department shall issue a FIP supplement to the Claimant for FIP benefits she is eligible to receive from the date of the application ongoing, if it is determined that the Claimant is otherwise eligible for FIP in accordance with Department policy.



Lynn Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **9/16/2014**

Date Mailed: **9/16/2014**

LMF / tm

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:

