

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-18493
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: February 20, 2014
County: Kent

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 February 20, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself and her authorized hearing representative [REDACTED]. Participants on behalf of the Department of Human Services (Department) included CM [REDACTED] and FIM [REDACTED].

ISSUE

Did the Department properly deny Claimant's October 1, 2013 Family Independence Program (FIP) application for failure to provide verification of employment?

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 October 1, 2013, a Refugee Assistance Cash (RAC) application was submitted for Claimant by Bethany Christian Services. Claimant's benefit group included Nawfal Alabdullah.
2. On October 27, 2013, Nawfal began employment.
3. On October 29, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting income verification for Nawfal. The verification was due on November 8, 2013.

4. On November 1, 2013, [REDACTED] [REDACTED] Services worker [REDACTED] sent Claimant's DHA worker required verifications. [REDACTED] also reported he had not been able to verify [REDACTED] employment yet. Another Verification Checklist (DHS Form 3503) was sent for [REDACTED] income with an extended due date of November 12, 2013.
5. On November 11, 2013N. Smith of [REDACTED] Service recorded that [REDACTED]: was employed at Monroe; was working 40 hours per week at [REDACTED] per hour on third shift; and his supervisor was [REDACTED] who could be reached at [REDACTED].
6. On November 15, 2013, DHS worker [REDACTED] recorded that [REDACTED] employment had not been verified because he had not submitted paycheck stubs. Claimant's application was denied and a Notice of Case Action (DHS-1605) was sent to Claimant.
7. On December 13, 2013, Claimant submitted a request for hearing.

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 refugee assistance programs are federal programs which helps refugees to become self-sufficient after their arrival in the U.S. RAP has two components; Refugee Cash Assistance (RCA) and Refugee Medical Assistance (RMA). The Department administers RAP pursuant to 45 CFR 400 and P.L. 106-386 of 2000, Section 107.

Department of Human Services Bridges Administration Manual (BAM) 130 VERIFICATION AND COLLATERAL CONTACTS (2013) under obtaining verification for all programs on page 3 states:

The client must obtain required verification, but you must assist if they need and request help.

If neither the client nor you can obtain verification despite a reason-able effort, use the best available information. If **no** evidence is available, use your best judgment.

Department of Human Services Bridges Eligibility Manual (BEM) 501Income from Employment (2013) under specific verification sources for wages, salaries and commissions on page 11 lists "Employment services contractors including the one-stop service center, the work participation provider and refugee employment services contractors" as a valid verification.

In this case the Department had complete information about [REDACTED] employment from a valid verification source when the application was denied.

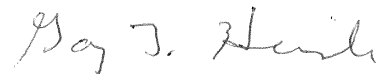
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's October 1, 2013 Family Independence Program (FIP) application for failure to provide verification of employment.

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. Reinstate Claimant's October 1, 2013 application and process in accordance with Department policy.
2. Supplement Claimant any benefits she may be determined to be eligible for but did not receive because of this incorrect Departmental action.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 6, 2014

Date Mailed: March 7, 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

GFH/nk

cc:

