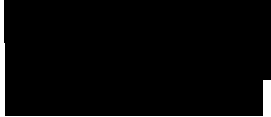


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2014-24383
Issue No(s): 1002, 1003
Case No.: [REDACTED]
Hearing Date: March 6, 2014
County: Genesee County DHS #2

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 March 6, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Hearing Facilitator.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case based on a failure to comply with verification requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant's was a recipient of FIP benefits.
2. On November 12, 2013, a Redetermination form was sent to the Claimant with a due date of December 3, 2013 for returning the completed form with proofs and giving notice of a telephone interview appointment on December 3, 2013.
3. On January 18, 2013, a Notice of Case Action was sent to the Claimant stating the FIP case would close effective February 1, 2014, because the Redetermination form and/or verifications were not provided.
4. On January 28, 2014, Claimant filed a request for hearing contesting 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), 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.

Additionally, a Claimant must cooperate with the local office in determining initial and ongoing eligibility, including completion of necessary forms, and must completely and truthfully answer all questions on forms and in interviews. BAM 105.

Verification is usually required upon application or redetermination and for a reported change affecting eligibility or benefit level as well as when information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. Verifications are considered timely if received by the date they are due. The Department must allow a client 10 calendar days (or other time limit specified in policy) to provide the requested verification. The Department worker must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department worker should use the best available information. If no evidence is available, the Department worker is to use their best judgment. The Department is to send a case action notice when the client indicates refusal to provide a verification, or the time period given has elapsed. BAM 130.

A complete redetermination is required at least every 12 months. Bridges sets the redetermination date according to benefit periods. Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210

A redetermination packet is considered complete when all of the sections of the redetermination form including the signature section are completed. If a client files an application for redetermination before the end of the benefit period, but fails to take a required action, the case is denied at the end of the benefit period. BAM 210.

On November 12, 2013, a Redetermination form was sent to the Claimant with a due date of December 3, 2013 for returning the completed form with proofs and giving notice of a telephone interview appointment on December 3, 2013. It is noted the Redetermination states it was for both FIP and the Food Assistance Program (FAP) cases. (Exhibit A, pages 5-9) The Department asserts Claimant did not return the Redetermination form or complete the telephone interview. Accordingly, on January 18, 2013, a Notice of Case Action was sent to the Claimant stating the FIP case would

close effective February 1, 2014, because the Redetermination form and/or verifications were not provided. (Exhibit A, pages 10-15)

Claimant testified she never received the Redetermination form. However, the address the Redetermination form was mailed to is the same address Claimant verified during the telephone hearing proceedings. (Exhibit A, pages 5-9)

Claimant also stated that she thought she had provided everything that was needed when she re-applied for FAP and Medical Assistance (MA) benefits in January 2014. The Hearing Facilitator explained that when the online application is utilized, the Department can only use the information provided for the programs marked on the online application. Accordingly, the information provided for the January 2014 application was used to determine Claimant's FAP eligibility, but could not be used for determining FIP eligibility.

Lastly, Claimant testified that there had been a problem with receiving mail. Someone else that uses same address as Claimant's address put a hold on their mail, but the post office held the mail for all persons at that address. When the hold was taken off Claimant had a whole stack of mail, which included mail from the Department. However, Claimant's testimony was not sufficient to establish the mail hold issue occurred at the time the November 12, 2013 Redetermination form was mailed to Claimant. Claimant was not sure when the mail hold issue started, but testified the hold just came off about two weeks prior to the March 6, 2014 hearing. Further, it appears the mail hold issue did not occur until late January 2014 based on Claimant's testimony that she received the January 18, 2014 Notice of Case Action, but not the January 29, 2014 Pre-Hearing Conference notice.


The BAM 210 policy is clear that benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. Claimant did not return the Redetermination form so that the FIP redetermination could be completed and a new benefit period certified. Claimant did not provide sufficient evidence of a problem receiving mail at the time the Redetermination form was issued to her in November 2013. Accordingly, the determination to close Claimant's FIP case because the Redetermination form and/or verifications were not provided is upheld.

Claimant may wish to re-apply for FIP at any time.

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 closed Claimant's FIP case based on a failure to comply with verification requirements.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 25, 2014

Date Mailed: March 25, 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

201424383/CL

CL/hj

cc:

