

**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.: 2014-30579
Issue No.: 1002
Case No.: ██████████
Hearing Date: April 14, 2014
County: Wayne (82-41)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ ██████████
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ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) benefits case for failure to verify income?

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 was an ongoing recipient of FIP.
2. On January 10, 2014, the Department sent Claimant a notice of case action informing her that her FIP benefits would be closed effective February 1, 2014, for failure to provide requested verifications.
3. On February 27, 2014, Claimant requested a hearing to protest the closure of her FIP benefits.

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.

At the hearing, the Department testified that it closed Claimant's FIP benefits case effective February 1, 2014, for failure to provide requested verifications.

The Department failed to provide a copy of the verification checklist it sent to Claimant, but Claimant verified that she had received said checklist.

The Department requested income verifications for Claimant's husband. Testimony at the hearing established that Claimant provided two check stubs from a job where Claimant's husband was currently working. Claimant testified that the two check stubs supplied to the Department were the only check stubs that Claimant was able to provide because those were the only check stubs that were available.

The Department asked for check stubs from a job that Claimant's husband no longer had. Testimony as to when the Department was notified that Claimant's spouse was no longer working at a job that the Department desired to get income information from is uncertain. At the hearing, the Department testified that it had not received information that the second job was no longer at issue until after the February 1, 2014, date of closure. Further testimony by the Department appears to acknowledge that it knew, or should have known, that Claimant's spouse was no longer employed at the second job. This fact is reinforced by Claimant's testimony that she completed and filed a change report informing the Department that her husband's second job had come to an end.

There was no conflict concerning the job that Claimant's spouse had at the time Claimant was required by the Department to provide income verification. The Department admits that it had income information from the job where Claimant's spouse was working prior to the closure of Claimant's FIP benefits. According to the Department, it closed Claimant's FIP case for failure to supply documentation of income from a job that Claimant's spouse had worked at since October 2013.

This Administrative Law Judge refers to a citation also offered by the Department, BAM 130. This section of Department policy addresses verifications and how they are to be obtained.

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 reasonable effort, use the best available information. If **no** evidence is available, use your best judgment. BAM 130 (January 2014).

In the instant case, the Department had received information on income from Claimant and two check stubs from Claimant's spouse.

This Administrative Law Judge finds that the Department should have used the "best information available" to make its decision, including the documentation it already had on income.

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 .
- did not act in accordance with Department policy when it closed Claimant's FIP case for failure to provide verifications.
- failed to satisfy its burden of showing that it acted in accordance with Department policy when it .

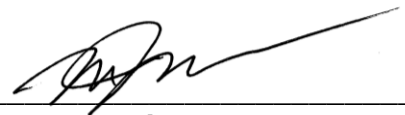
DECISION AND ORDER

Accordingly, the Department's decision is

- AFFIRMED.
- REVERSED.
- AFFIRMED IN PART with respect to and REVERSED IN PART with respect to .

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. Return to February 1, 2014, reinstate Claimant's FIP benefits from that date and supplement for any missed benefits.



Michael J. Bennane
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 30, 2014

Date Mailed: April 30, 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

MJB/pf

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