

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-004589
Issue No.: 1002
Case No.: [REDACTED]
Hearing Date: April 29, 2015
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 29, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Health and Human Services (DHHS) included [REDACTED], specialist, and [REDACTED], supervisor.

ISSUE

The issue is whether DHHS properly denied Claimant's Family Independence Program (FIP) application due to Claimant's failure to return verifications.

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 [REDACTED], Claimant applied for FIP benefits.
2. On [REDACTED], DHHS requested verification of Claimant's recently stopped employment income.
3. On [REDACTED], Claimant returned a self-completed Verification of Employment.
4. On an unspecified date, DHHS mailed Claimant a Notice of Case Action informing Claimant that her FIP application was denied due to a failure to verify stopped employment.
5. On [REDACTED], Claimant requested a hearing disputing the denial of FIP benefits.

CONCLUSIONS OF LAW

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. DHHS (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. DHHS 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).

Claimant requested a hearing to dispute a denial of FIP benefits. Claimant's hearing request contained statements implying that DHHS denied her application due to a failure to attend mandatory employment-related activities. The DHHS Hearing Summary stated that Claimant's application was denied due to Claimant's failure to verify a stoppage in employment.

DHHS presented a Notice of Case Action (Exhibits 1-2) dated to support the argument that Claimant's case was closed due to a failure to verify stopped employment. The presented Notice of Case Action only concerned Food Assistance Program (FAP) benefits; thus, it was unhelpful in determining why DHHS denied Claimant's FIP application.

Though the official reason for denying Claimant's FIP eligibility is uncertain, DHHS policy requires clients to verify stopped employment. DHHS is to verify income that stopped within the 30 days prior to the application date or while the application is pending before certifying the EDG. BEM 505 (7/2014), p. 7.

Based on presented evidence, it is found that DHHS denied Claimant's FIP application due to Claimant's alleged failure to verify stopped income. The analysis will proceed to determine if Claimant failed to verify stopped income.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (July 2013), pp. 2-3. DHS must give clients at least ten days to submit verifications. *Id.*, p. 3 DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.*, p. 2. DHS is to send 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. *Id.*, p. 5.

It was not disputed that DHHS requested verification of Claimant's employment stoppage. DHHS testimony conceded Claimant timely returned a Verification of Employment which indicated that Claimant was no longer employed. DHHS contended that Claimant's returned Verification of Employment was unacceptable.

DHHS testimony noted that Claimant was paid in cash or her former employment. DHHS testimony implied that fraudulent statements are more common with cash-based

employment. Based on these considerations, DHHS called the phone number provided on the Verification of Employment in an attempt to confirm the statements on the Verification of Employment. DHHS testimony indicated that DHHS was unable to contact Claimant's (alleged) former employer because the phone number on the Verification of Employment was invalid. DHHS further alleged that Claimant completed the Verification of Employment herself. Claimant did not dispute that she completed the Verification of Employment or that the provided employer phone number was invalid.

DHHS policy is not known to list what is an acceptable verification of a stoppage in employment. A Verification Checklist typically lists acceptable sources such as employer records, an employer statement, or a Verification of Employment. A Verification of Employment is a document that is to be completed by employers, not clients. It is found that Claimant failed to comply with the DHHS request for verification of stopped employment.

Claimant's self-completed Verification of Employment is deemed to be an unreasonable effort to provide requested information. Accordingly, it is found that DHHS properly denied Claimant's FIP application due to Claimant's failure to verify stopped employment.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHHS properly denied Claimant's FIP application dated [REDACTED] due to Claimant's failure to verify stopped employment. The actions taken by DHHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/8/2015**

Date Mailed: **5/8/2015**

CG / hw

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

