

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

IN THE MATTER OF:



Reg. No.: 2013786
Issue No.: 1005, 3008
Case No.: [REDACTED]
Hearing Date: March 21, 2013
County: Oakland (#04)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held conducted from Detroit, Michigan on Thursday March 21, 2013. The Claimant appeared and testified along with [REDACTED] (Mother) as a witness. Participant on behalf of Department of Human Services (Department) was [REDACTED] (Family Independence Specialist).

ISSUE

Whether the Department properly denied Claimant's application for cash assistance ("FIP") benefits?

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 July 3, 2012, the Claimant submitted an application for FIP benefits.
2. The Department processed the application and sent a Verification Checklist to Claimant, requesting proof of school enrollment, due by August 13, 2012.
3. The Claimant failed to submit the verification, and on August 17, 2012, the Department sent Notice of Case Action denying the FIP application.
4. On September 12, 2012, the Department received Claimant's written hearing request disputing the action.

CONCLUSIONS OF LAW

As a preliminary matter, the Claimant also applied for FAP benefits. She was however a member of another active FAP group at the time of application. She was subsequently removed from the other FAP group. The Department approved the Claimant for FAP benefits on her own case, effective August 1, 2012. Therefore, there is no outstanding issue regarding the Claimant's FAP benefits.

The Department of Human Services (DHS) policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

When an individual applies for cash assistance, the Department determines group composition and builds an eligibility determination group (EDG) for the FIP program. Group composition is the determination of which individuals living together are included in the FIP eligibility determination group (EDG) and the FIP certified group. BEM 210 (October 2011), p. 1. Which individuals to include in FIP groups are based on several factors including age, school attendance, relationships, etc. BEM 210, p. 3. When a dependent child is a mandatory FIP EDG member then all individuals who live together such as the dependent child's parent, the dependent child, the dependent child's child are to be included in the FIP group. BEM 210, p. 4. Failure of any FIP EDG member to provide information needed to determine FIP eligibility, causes ineligibility for the entire FIP EDG. BEM 210, p. 4. A person age 18 who attends high school full-time and resides with a parent or legal guardian is considered a dependent child. A minor parent is a person under age 18 who is not emancipated and is either the parent of a dependent child living with him/her, or is pregnant. BEM 201 (October 2011), p. 1. Both individuals are required to attend high school full-time or are referred to the Work First program, if graduated. Verification of school enrollment is required at application, redetermination and at each birthday beginning with age 16.

In determining initial and ongoing program eligibility clients must cooperate with the local office to include the completion and submitting of the necessary forms. The Department has the responsibility of telling the client what verification is required, how to obtain it, and the due date. BAM 130 (May 2012), p. 1. Verification means documentation or other evidence to establish the accuracy of the clients verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p. 1. The client must obtain any required verification, however, the

Department must assist if needed and/or requested. BAM 130, p. 3. If neither the client nor the Department is able to obtain verification despite reasonable effort, the Department should use the best available information. BAM 130, p. 3. If no evidence is available, the Department should use its best judgment. BAM 130, p. 3. Clients are allowed 10 calendar days (or other time limit specified in policy) to provide the requested verification. BAM 130, p. 5. A negative action notice is sent when the client indicates a refusal to provide the verification or the time period provided has lapsed and the client has not made a reasonable effort to provide the verifications. BAM 130, p. 5.

In this case, the Claimant submitted an application for cash assistance based on pregnancy. She recently turned 18 years old and was attending an alternative high school. The Department initiated processing and sent a Verification Checklist to the Claimant requesting school enrollment verification with a due date of August 13, 2012. The letter was not returned as undeliverable by the U.S. Postal service. Claimant did not return the requested verification, as a result the application for FIP benefits was denied on August 17, 2012. Claimant testified that she did not receive the request for verification from the Department. [REDACTED], the Claimant's mother, testified that she normally received the mail for Claimant, but does not recall receiving a request for school verification from the Department. Claimant further testified that she was scheduled to attend Work First on August 17, 2012, but was unable to attend because she was placed on house arrest by the courts. She thought that was the reason for the denial of her application, not because of failure to provide proof of school enrollment.

The courts have found that proper addressing and mailing of a letter creates a legal presumption that it was received. *Stacey v Sankovich*, 19 Mich App 688, 694 (1969). Here, the evidence presented by the Claimant is insufficient to dispel the presumption that the letter was received. Under the circumstances of this case, Claimant's proof of school enrollment or attendance at the Work First program was required in determining FIP eligibility. Claimant did not provide the required documentation. Accordingly, the Department established it acted in accordance with policy when it denied Claimant's FIP application on August 17, 2013, for failure to provide verification necessary to determine eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with policy when it denied Claimant's July 3, 2012 FIP application.

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

M. Howie

MICHELLE HOWIE
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/4/2013

Date Mailed: 4/5/2013

NOTICE: 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)

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 was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

MH/hw

cc:

