

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014777
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: October 30, 2013
County: Macomb

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 October 30, 2013, from Lansing, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included FIS [REDACTED]. During this hearing it was determined there was no hearable Food Assistance Program (FAP) issues. The Food Assistance Program (FAP) portion of this hearing was dismissed.

ISSUE

Did the Department properly deny Claimant's August 27, 2013 Family Independence Program (FIP) application for failure to provide 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 August 27, 2013, Claimant submitted an application for Family Independence Program (FIP) benefits. Claimant's household consisted of herself and two children [REDACTED] and [REDACTED]. [REDACTED] receives Supplemental Security Income (SSI) benefits.
2. On August 28, 2013, Claimant was sent a Verification Checklist (DHS Form 3503) requesting verification of the children's school attendance. The checklist was accompanied by two Verification of Student Information (DHS-3380) forms. Both of the DHS-3380 forms had Gianni Curtis' name on them there was not a form with Shanyah's name on it. The verifications were due back on September 9, 2013.
3. On September 11, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) application was denied.

4. On September 20, 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 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.

This case presents some puzzling questions. The best place to start is with the Family Independence Program (FIP) group composition. Department of Human Services Bridges Eligibility Manual (BEM) 210 FIP Group Composition (2013) page 8 provides the following specifics about Supplemental Security Income (SSI) recipients:

A FIP EDG member who receives SSI, has a FIP EDG participation status of Other Adult or Other Child. The income, assets and needs of an SSI recipient are not considered in determining eligibility for the FIP EDG. However, their relationships to other EDG members are considered.

Note: Request cash assistance for the SSI child, even though the child will not be in the FIP certified group.

BEM 210 page 6 states that failure to cooperate with the eligibility requirement of school attendance has a specific penalty. Department of Human Services Bridges Eligibility Manual (BEM) 245 School Attendance and Student Status (2013) page 1 states for Family Independence Program (FIP) benefits that: dependent children ages 6 through 17 must attend school full-time; if a dependent child age 6 through 15 is not attending school full-time, the entire FIP group is not eligible to receive FIP; and a dependent child age 16 or 17 who is not attending high school full-time is disqualified from the FIP group in Bridges.

During this hearing Claimant testified that the August 28, 2013, Verification Checklist (DHS Form 3503) was accompanied by two Verification of Student Information (DHS-3380) forms but neither one had [REDACTED] name on it. Generation of checklists and forms is an automated process programmed into BRIDGES. There was no testimony at this hearing by Information Technology specialists to prove BRIDGES is properly programmed to deal with [REDACTED] status as a member of Claimant's FIP EDG. [REDACTED] is an "Other child" in the group whose income, assets and needs are not considered. However, she is also a child for whom cash assistance is being requested so her student status must be determined. In light [REDACTED] unique status and the ongoing discovery of BRIDGES programming deficiencies, Claimant's testimony is found credible.

During this hearing the Department representative asserted that Claimant should have changed the name on one of the Verification of Student Information (DHS-3380) forms and used it for [REDACTED]. Claimant correctly replied that the form states "This form must be completed by the school" and that signing the form to authorize the school to release information is the only action assigned to the Grantee. Applicants are not required to try and fix any Department mistakes or deficiencies.

The circumstances in this case are a failure of the Department to provide Claimant with the ability to submit the required verifications within the time limit. The Claimant will not be penalized for the Department's mistakes or deficiencies.

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 August 27, 2013 Family Independence Program (FIP) application for failure to provide verifications.

DECISION AND ORDER

Accordingly, the Department's decision **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 August 27, 2013 Family Independence Program (FIP) application.
2. Properly provide Claimant the opportunity to verify [REDACTED] school attendance to include 10 days from the date she is sent the proper Verification of Student Information (DHS-3380) form.
3. Determine Claimant's eligibility for Family Independence Program (FIP) benefits from August 27, 2013.

/s/

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

Date Signed: 11/18/2013

Date Mailed: 11/19/2013

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/sw

cc:

