

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201334799
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: April 15, 2013
County: Wayne DHS (15)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 on April 15, 2013, from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly denied Claimant's application for Family Independence Program (FIP) benefits due to a failure by Claimant to verify her child's school enrollment.

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 2/4/13, Claimant applied for FIP benefits.
2. On 2/5/13, DHS mailed Claimant a Verification Checklist (VCL) requesting verification of Claimant's child's school enrollment.
3. The 2/5/13 mailing included a DHS form incorrectly listing Claimant, not her child, as the student for which enrollment had to be verified.
4. On 2/12/13, DHS mailed Claimant a VCL with a school form correctly listing Claimant's child as the person for whom school enrollment was requested.

5. The 2/12/13 VCL gave Claimant a due date of 2/22/13 to verify her child's school enrollment.
6. Claimant failed to verify her child's school enrollment.
7. On 2/28/13, DHS denied Claimant's application due to a failure to verify school enrollment.
8. On 3/12/13, Claimant requested a hearing to dispute the FIP application denial.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Prior to an analysis of Claimant hearing request, it should be noted that Claimant's hearing request noted a need for special arrangement in order for Claimant to participate in an administrative hearing. Claimant testified that she was in a recent car accident and that she cannot sit or stand for extended periods. Claimant was advised that she may sit or stand as needed during the hearing.

The present case concerns a FIP application denial. Claimant testified that she applied for FIP on three occasions over 1/2013 and 2/2013. Claimant's hearing request only identified one DHS action in dispute, the action occurring on 2/28/13. Claimant was allowed to proceed with her dispute only concerning a 2/28/13 FIP application denial.

DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (5/2012), p. 3. DHS must give clients at least ten days to submit verifications. *Id.* DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* at 2. For FIP benefits, 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 the FIP benefit denial was based on Claimant's failure to verify school enrollment for her six year old daughter. DHS is to verify school enrollment and attendance at application and redetermination beginning with age 6. BEM 245 (1/2013),

p. 6. A DHS-3380 Verification of Student Information is an acceptable verification. *Id.*, p. 7.

It was not disputed that DHS mailed Claimant a VCL and DHS-3380 on 2/12/13. It was also not disputed that the enclosed DHS-3380 incorrectly listed Claimant as the student for which school enrollment verification was requested. DHS corrected the error by mailing Claimant a second VCL on 2/15/13 with a DHS-3380 listing Claimant's child as the student. Claimant initially testified that she never received a corrected form and that her child's school would not complete a form with Claimant's name listed as the student name. Claimant subsequently testified that her child's school completed a DHS-3380 after crossing out Claimant's name and hand-writing Claimant's child's name as the student. Claimant testified that she did not return the form because she did not think that it would be acceptable verification because of the handwritten corrections. Claimant should have returned the form with the handwritten corrections to DHS. Her failure to do so was unreasonable.

Based on the presented evidence, it is found that Claimant did not make a reasonable effort to provide DHS with verification of her child's school enrollment. Accordingly, the denial of FIP benefits was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's FIP application dated 2/4/13. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 4/22/2013

Date Mailed: 4/22/2013

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

CG/hw

cc:

