

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-65502
Issue No.: 1021
Case No.: ██████████
Hearing Date: October 16, 2013
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way hearing was held on October 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her witness/facilitator, ██████████. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████ Eligibility Specialist; ██████████ Partnership. Accountability. Training. Hope. (PATH) Coordinator; and ██████████ Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application effective July 1, 2013, ongoing?

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 benefits. See Exhibit 1.
2. On May 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective June 1, 2013, ongoing. Exhibit 1.
3. On June 7, 2013, Claimant applied for FIP benefits. See Exhibit 1.

4. On June 14, 2013, the Department sent Claimant a Verification Checklist (VCL), which was due back by June 24, 2013.
5. The VCL requested verification of school attendance, verification of other in-state benefits, and residential address.
6. Before the VCL due date, the Department received the incorrect verifications regarding Claimant's children's school records. See Exhibit 1.
7. On July 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective July 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.
8. On July 23, 2013, the Department received a collateral contact via e-mail from a Foster Care Case Manager (hereinafter referred to as "Case Manager"), who verified the Claimant's children's school records. See Exhibit 1.
9. On August 2, 2013, Claimant reapplied for FIP benefits.
10. Effective September 1, 2013, ongoing, Claimant was approved for FIP benefits and was receiving \$694 for the benefit period. See Exhibit 1.
11. On August 16, 2013, Claimant filed a hearing request in which she was requesting retro FIP benefits for June, July, and August 2013. See Exhibit 1.

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.

Preliminary matters

First, on August 16, 2013, Claimant filed a hearing request in which she was requesting retro FIP benefits for June, July, and August 2013. See Exhibit 1. On May 16, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits would close effective June 1, 2013, ongoing. Exhibit 1.

BAM 600 states that the client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (July 2013), p. 4. The request must be received anywhere in DHS within the 90 days. BAM 600, p. 4.

Based on the above information, 90 calendar days from the Notice of Case Action dated May 16, 2013, means Claimant had until August 14, 2013, to file a hearing request. Claimant did not submit her hearing request until August 16, 2013. See Exhibit 1. Thus, Claimant's request was not filed timely and this hearing decision cannot address the Notice of Case Action dated May 16, 2013. However, Claimant's hearing request was submitted timely to address the Notice of Case Action dated July 19, 2013, which denied her FIP application effective July 1, 2013, ongoing. See Exhibit 1.

Second, on June 7, 2013, Claimant applied for FIP benefits. See Exhibit 1. Claimant is still seeking retro FIP benefits for June 2013 to August 2013. Regarding FIP benefits, at opening, the group is eligible for benefits no earlier than the pay period in which the application becomes 30 days old. BAM 400 (March 2012), p. 2 and BAM 115 (July 2013), p. 20. Because Claimant applied on June 7, 2013, she would not be eligible for FIP benefits until the next pay period, which is July 1, 2013. Additionally, when Claimant applied for FIP benefits on August 2, 2013, she would not be eligible for FIP benefits until the next pay period, which is September 1, 2013.

Based on the foregoing information, Claimant is not eligible for FIP benefits for June 2013. BAM 400, p. 2; BAM 115, p. 20. However, this hearing decision will determine if Claimant is eligible for FIP benefits for July and August 2013. It should be noted that Claimant is not disputing her FIP benefits for September 1, 2013, ongoing.

FIP application

Clients must cooperate with the local office in determining initial and ongoing eligibility. BAM 105 (March 2013), p. 5. This includes completion of necessary forms. BAM 105, p. 5.

For FIP cases, the Department allow the client 10 calendar days (or other time limit specified in policy) to provide the verifications it requests. BAM 130 (May 2012), p. 5. The Department sends 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. BAM 130, p. 5.

In this case, on June 7, 2013, Claimant applied for FIP benefits. See Exhibit 1. On June 14, 2013, the Department sent Claimant a VCL, which was due back by June 24, 2013. The VCL requested verification of school attendance, verification of other in-state benefits, and residential address. Before the VCL due date, the Department testified that it received the incorrect verifications regarding Claimant's children's school records. See Exhibit 1. In the June 2013, application, Claimant listed the names of the school for two of her children. See Exhibit 1. Claimant listed two different school names for each

child and stated they were both currently enrolled. See Exhibit 1. Upon reviewing the application, the Department sent Claimant a VCL requesting verification of these two children's school attendance. The Department testified that it received the school records timely, but it discovered discrepancies with the verifications.

A review of the first child's submitted school record indicated a different school name than what was listed on the application. See Exhibit 1. It appears that the child was attending school as a formal voluntary admission for a guidance center/hospital. See Exhibit 1. The submitted verification was entitled "Admission Assessment Social Work," and it was in regards to an assessment done for the child on February 14, 2013. See Exhibit 1. Nowhere in the verification did it list the school name that Claimant listed in the June 2013 application.

A review of the second child's submitted school record indicated a different school name than what was listed on the application. See Exhibit 1. The submitted verification was entitled "Individualized Education Program Team Report (IEP)," and it was in regards to an assessment done for the child on March 28, 2013. See Exhibit 1. Nowhere in the verification did it list the school name that Claimant listed in the June 2013 application.

Based on the above discrepancies with the school name, the Department determined that Claimant submitted the incorrect verifications. Subsequent to the VCL due date, the Department spoke to the Claimant stating it needed the correct verifications for the school names that Claimant listed. Also, the Department testified that Claimant could obtain the up-to-date records from the Detroit Board of Education. It appears that Claimant and the Department became frustrated with the conversation and Claimant hung-up. On July 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied effective July 1, 2013, ongoing, due to her failure to comply with the verification requirements. Exhibit 1.

It should be noted, though, that on July 23, 2013, the Department received a collateral contact via e-mail from the Case Manager, who verified the Claimant's children's school records. See Exhibit 1. Claimant reapplied for FIP benefits on August 2, 2013. Effective September 1, 2013, ongoing, Claimant was approved for FIP benefits and was receiving \$694 for the benefit period. See Exhibit 1.

At the hearing, Claimant and Claimant's witness indicated that there was a misunderstanding. Claimant's witness testified that the schools Claimant listed in the June 2013 application were correct.

Regarding the first child, Claimant's witness testified that the child attended the hospital in the submitted verifications from February 2013 to June 2013. Claimant's witness testified that the hospital provides in-placement schooling. When the child was released from the hospital, Claimant's witness testified that they placed the child in the school listed in the application for two to three weeks. Claimant's witness testified that it is not a school, but a face-to-face program for partial hospitalization program for children who

are transitioning back into the home. Moreover, Claimant's witness testified that it was summer and school was over and this was the only verification that Claimant could have provided.

Regarding the second child, Claimant's witness testified that the child attended the school in the submitted verifications from September 2012 to April 2013. Then, at the time of application, Claimant's witness testified that the child went to the school as listed in the application from May 2013 to June 2013. Claimant's witness testified that the child switched schools because the previous school could not provide the special education services. Claimant testified she did not have any verification from the current school. Moreover, Claimant and Claimant's witness reiterated that school was over and it was the summer.

Based on the foregoing information and evidence, the Department properly denied Claimant's FIP application effective July 1, 2013, ongoing, in accordance with Department policy.

First, the Department credibly testified that Claimant failed to comply with the verification requirements. There was a clear discrepancy with the school names. Claimant provided verifications of school names, which were different than what the application listed. The Department was correct to resolve this discrepancy. Claimant failed to provide the updated verifications for the school names she listed. The school names listed on the application was up to date and Claimant failed to submit proof of those school records.

Second, before determining eligibility, the Department gives the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. BAM 130, p. 6.

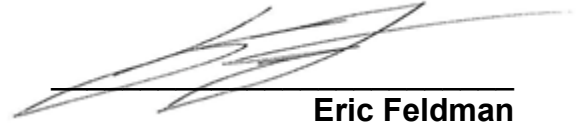
The Department credibly testified that it notified the Claimant to obtain the updated records from the school district. The verifications were submitted before the June 24, 2013, due date. However, the Department did not send the notice to deny the application until July 19, 2013. See Exhibit 1. The Department gave Claimant a few weeks to resolve the discrepancy and Claimant did not supply the appropriate documentation. BAM 130, p. 6. Even though it appears that the Department eventually obtained a collateral contact to verify the children's school records on July 23, 2013, this was subsequent to the FIP denial.

In summary, the Department discovered a legitimate discrepancy with the school records and gave Claimant a reasonable opportunity to resolve this discrepancy before denying the application. Claimant did not complete the necessary forms to determine her FIP eligibility. BAM 105, p. 5.

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 properly denied Claimant's FIP application effective July 1, 2013, ongoing.

DECISION AND ORDER

Accordingly, the Department's FIP decision is AFFIRMED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 29, 2013

Date Mailed: October 29, 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

2013-65502/EJF

EJF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]