

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

IN THE MATTER OF:



Reg. No.: 201425359
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Wayne (18)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor, and [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly deny Claimant's January 14, 2014 application for Family Independence Program (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 January 14, 2014, Claimant applied for FIP benefits.
2. On January 16, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting verification of Claimant's two daughters' school attendance and of Claimant's residential address by January 27, 2014.
3. On January 30, 2014, the Department sent Claimant a Notice of Case Action denying the application for failure to provide verification of school attendance for either daughter and of residential address.

4. On February 3, 2014, Claimant filed a request for hearing disputing the Department's actions.

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.

At the hearing, the Department testified that, in processing Claimant's January 14, 2014, FIP application, it sent Claimant the January 16, 2014 VCL requesting verification of address and school attendance for Claimant's two school-age child. At the hearing, the Department acknowledged that Claimant had timely verified her address but contended that Claimant's application was properly denied because she failed to timely submit the Verification of Student Attendance by the January 27, 2014, VCL due date or by January 30, 2014, when the Notice of Case Action was sent.

As a condition of FIP eligibility, a dependent child age 6 to 15 must attend school full time. BEM 245 (July 2013), p. 1. If the client has a dependent child age 16 or 17 who is not attending high school full-time, the child is disqualified from the FIP group. BEM 245, p. 1. The client must verify school enrollment and attendance at application for a child age 7 or older. BEM 245, p. 8. Therefore, the Department properly sent the VCL requesting verification of Claimant's two daughters, who were ages 15 and 16.

In this case, Claimant testified that she received the January 16, 2014 VCL after school hours on January 21, 2014, and she was unable to obtain the verification by the January 27, 2014 due date because her children's school was closed on subsequent days due to inclement weather. Claimant presented a school calendar for each child showing that January 22, 24, 28, and 29 were identified by the school as "non-school days." January 25 and 26 were weekend days. Thus, between January 22 and January 27, there were only two school days that her children attended school. Although Claimant could not explain why her children did not bring the forms to school on January 22, she testified that she had her children bring the verification forms to the school on January 27 and received one signed form back on January 31, a Friday afternoon, and the other on February 3, 2014, the subsequent Monday. She further testified that she called her worker several times beginning on January 27, 2014, to explain the delay and asking for an extension of the due date but never received a response. The Department acknowledged receiving the school verification for one child

on February 3, 2014 and the other on February 4, 2014, but noted that both were received after the January 30, 2014, Notice of Case Action was sent.

When verifications are requested in connection with FIP applications, the Department sends a negative action notice when (i) a client indicates refusal to provide a verification **or** (ii) the time period given has elapsed and the client has **not** made a reasonable effort to provide it. BAM 130 (January 2014), p. 6. Under the circumstances in the present case, where Claimant had limited opportunities to obtain the verifications requested, the verification had to be completed by an outside source, and Claimant notified her worker of the anticipated delay without any response, Claimant established that she made a reasonable effort to provide the forms.

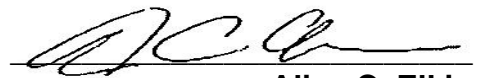
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it denied Claimant's FIP application for failure to provide verification of school attendance.

DECISION AND ORDER

Accordingly, the Department's decision is 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. Reregister and reprocess Claimant's January 14, 2014 FIP application;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from January 14, 2014, ongoing; and
3. Notify Claimant in writing of its decision.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 24, 2014

Date Mailed: April 24, 2014

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

ACE/tif

cc:

