

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

IN THE MATTER OF:



Reg. No.: 201434528
Issue No(s): 1002; 1011; 6011
Case No.: [REDACTED]
Hearing Date: May 27, 2014
County: Wayne (41)

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 May 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Coordinator.

ISSUE

Did the Department properly deny Claimant's applications for Family Independence Program (FIP) and Child Development and Care (CDC) 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 or about February 20, 2014, Claimant applied for FIP and CDC benefits.
2. On February 20, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting, in part, that she contact the Office of Child (OCS) Support to comply with child reporting obligations by March 3, 2014.
3. On March 10, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP and CDC application was denied because she failed to cooperate with establishing paternity or securing child support.
4. On or about March 21, 2014, Claimant reapplied for FIP benefits.

5. On March 21, 2014, the Department sent Claimant Verification of Student Information forms, DHS-3380, for each of her two school-age children.
6. On April 9, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied because she had failed to return verification of school attendance for her two children.
7. On April 11, 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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, although Claimant's hearing request did not specify the programs at issue, at the hearing, Claimant testified that she was concerned about the Department's denial of her applications for FIP and CDC benefits.

The evidence at the hearing established that Claimant submitted two applications to the Department. The first for FIP and CDC was filed on or about February 20, 2014 and was denied because of noncompliance with child support reporting obligations. Claimant reapplied for FIP benefits on or about March 21, 2014. That application was denied because Claimant failed to submit verification of her two daughters' school attendance.

At the hearing, Claimant testified that she had contacted OCS concerning the child support noncompliance and was informed that she was not in noncompliance and the Department had erred. The Department presented a child support noncooperation

summary printout from its system showing that the only noncooperation in Claimant's case had been resolved on August 19, 2009. Therefore, the Department did not act in accordance with Department policy when it denied Claimant's February 2014 application for failure to comply with child support reporting obligations.

The Department also contended that, in connection with a subsequent FIP application Claimant filed on or about March 21, 2014, Claimant failed to verify her two children's school attendance. As a condition of FIP eligibility, a dependent child age 6 to 15 must attend school full time. BEM 245 (July 2013), p. 1. A dependent child age 16 or 17 who is not attending high school full-time 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 was required to verify Claimant's two older daughters' school attendance.

The Department established that it sent Claimant two Verification of Student Information forms, DHS 3380, one for each of Claimant's older daughters. However, it failed to establish whether Claimant was sent a verification checklist in connection with the March 21, 2014 application indicating what verifications other than the DHS 3380, if any, would be sufficient to establish school attendance. BAM 130 (January 2014), p. 3. Claimant credibly testified that she was lead to believe by her worker that she had provided all required documentation necessary to process her application. In fact, the evidence the Department provided at the hearing in support of its case that Claimant's verifications were inadequate was verifications she submitted on March 4, 2014, in connection with her February 2014 application. It is further noted that the Verification of Student Information forms the Department sent Claimant did not identify a due date. BEM 245, p. 9. Under these facts, the Department did not act in accordance with Department policy when it denied Claimant's March 2014 FIP application for failure to verify school attendance.

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 February 2014 FIP and CDC application or her March 2014 FIP application.

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 February 2014 FIP and CDC application;

2. Issue supplements to Claimant for CDC and FIP benefits she was eligible to receive but did not from the date of the February 2014 application 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: June 11, 2014

Date Mailed: June 11, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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/tlf

2014-34528/ACE

cc:

