

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-005432
Issue No.: 1002
Case No.: [REDACTED]
Hearing Date: May 14, 2015
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 14, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Adnan Baydoun appeared as Claimant's translator. Participants on behalf of the Department of Health and Human Services (DHHS) included Sharon Ayers, PATH case manager.

ISSUE

The issue is whether DHHS properly denied Claimant's Family Independence Program (FIP) application due to Claimant's failure to return school enrollment verifications and/or to complete a Family Automated Screening Tool (FAST).

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 [REDACTED], Claimant applied for FIP benefits.
2. On [REDACTED], DHHS mailed Claimant a Verification Checklist (Exhibits 1-2) requesting various documents including verification of school enrollment for each of Claimant's children.
3. On [REDACTED], DHHS mailed Claimant a FAST Referred Notice (Exhibits 3-4) informing Claimant's spouse of a requirement to complete a FAST.
4. Claimant failed to return school enrollment verifications and her husband failed to complete a FAST.
5. On [REDACTED], DHHS mailed a Notice of Case Action informing Claimant of a FIP denial.

6. On [REDACTED], Claimant requested a hearing to dispute the denial of FIP benefits.

CONCLUSIONS OF LAW

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. DHHS (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. DHHS policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FIP application denial. DHHS presented a Notice of Case Action (Exhibits 5-8) which stated that Claimant's FIP application was denied due to Claimant's spouse's failure to complete a FAST and Claimant's failure to return verification of her children's school attendance.

Claimant testimony never denied that she failed to return her children's school enrollment forms or that her husband failed to complete the FAST. Claimant contended that she never received a notice informing her of either requirement.

DHHS presented A Verification Checklist (Exhibits 1-2) dated [REDACTED]. The VCL stated that Claimant was to return various documents, including school enrollment forms for two children. Claimant conceded that the VCL correctly identified her mailing address.

DHHS presented a FAST Referred Notice (Exhibits 3-4) dated [REDACTED]. The document informed Claimant's spouse of an obligation to complete a FAST. Claimant conceded that the notice correctly identified her mailing address.

DHHS presented a View History Correspondence (Exhibit 9) for Claimant's case. A View History Correspondence lists all documents sent by DHHS to a client. Claimant's correspondence history listed a "centrally" printed VCL and FAST Referred Notice for [REDACTED]. DHHS testimony explained that a central printing means that the document was mailed via the DHHS computer system (as opposed to a DHHS specialist). Based on the presented evidence, it is found that DHHS mailed Claimant a VCL and FAST Referred Notice to Claimant on [REDACTED].

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976).

Claimant's summary denial of receipt was not persuasive in finding that she did not receive DHHS mailings. It is found that Claimant received a VCL requesting verification of her children's school attendance and a FAST Referred Notice.

For all programs, DHS is to use the DHS-3503, Verification Checklist to request verification. BAM 130 (October 2014), p. 3. DHS must tell the client what verification is required, how to obtain it, and the due date. *Id.* For FIP benefits, DHS must give clients at least ten days to provide the verifications that are requested. *Id.*, p. 6. 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.*

It is found that Claimant failed to make a reasonable effort to return requested verification of her children's school attendance. Accordingly the denial of Claimant's FIP application was proper.

For good measure, DHHS policy also requires that work eligible and non-work eligible members complete a FAST (see BEM 229 and 230A). The evidence also established that Claimant's spouse failed to complete a PATH despite being provided proper notice. Thus, DHHS established a second reason that Claimant's FIP application was properly denied.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHHS properly denied Claimant's application dated [REDACTED]. The actions taken by DHHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **5/15/2015**

Date Mailed: **5/15/2015**

CG / hw

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

