

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-011080
Issue No.: 1008
Case No.: [REDACTED]
Hearing Date: August 19, 2015
County: MACOMB-DISTRICT 36

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, an in person hearing was held on August 19, 2015, from Sterling Heights, Michigan. Participants on behalf of Claimant included the Claimant. An interpreter [REDACTED] appeared to interpret for the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist and Hearing Facilitator (back up).

ISSUE

Did the Department properly close the Claimant's FIP cash assistance for failure to provide verification of her child's school attendance?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department sent the Claimant a Verification Checklist to be completed by the Claimant regarding proof of school attendance. The verification was due [REDACTED]. Exhibit 2
2. The Claimant did not complete the verification request until [REDACTED], after the due date. Exhibit 3.
3. The Claimant moved from her [REDACTED] address to her current address in [REDACTED] Michigan. The address in [REDACTED] was the last address of record for the Claimant in Department records.

4. The mail (Verification Checklist) was sent to the Claimant at the address of record in the Department's records.
5. The Claimant provided a change of address to the Department on [REDACTED]. Exhibit 4
6. The Claimant provided the requested school records on J [REDACTED]. Exhibit 3
7. The Department sent a Notice of Case Action on [REDACTED], closing the Claimant's FIP Cash Assistance effective [REDACTED].
8. The Claimant requested a timely hearing on [REDACTED].

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, the Department closed the Claimant's FIP cash assistance case effective June 1, 2015 when she failed to return the verification of her child's school attendance as required by the verification checklist sent to her by the Department. BAM 130 (October 1, 2014) p. 1. The Claimant moved out of the house at located in Madison Heights MI in May 2015 and did not provide the Department a change of address until June 2, 2015 after the verifications were due. Exhibit 4. The Claimant did not advise the Department of her new address until June 2, 2015 but the verification checklist was sent to the correct address while the Claimant was living there. The Claimant's move occurred to Sterling Heights happened in May 2015.

The Claimant did not complete anything in writing to advise the Department she had moved and changed addresses until well after the verification was due. Department policy makes it a Claimant responsibility to report changes and provides:

Other changes must be reported within 10 days after the client is aware of them. These include, but are **not** limited to, changes in:

- Persons in the home.
- Marital status.
- **Address and shelter cost changes that result from the move.**
- Vehicles.
- Assets.
- Child support expenses paid.
- Health or hospital coverage and premiums.
- Child care needs or providers. BAM 105 (April 1, 2015) page 11.

Based upon the preponderance of the evidence presented at the hearing it is determined that the Claimant did not advise the Department of a change of address, thus it is determined that the Department properly closed the Claimant's FIP case as at the time of the closure and notice of case action, it used the last known correct address. The Claimant had not provided a current address as is her responsibility.

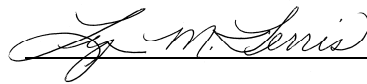
The Claimant may reapply for FIP cash assistance and any time.

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 closed the Claimant's FIP case for failure to complete a school verification as requested.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/20/2015**

Date Mailed: **8/20/2015**

LMF / 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:

