



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 26, 2016
MAHS Docket No.: 16-001772
Agency No.: [REDACTED]
[REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

HEARING DECISION

Following Petitioner'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, a three way telephone hearing was held on March 31, 2016, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator and [REDACTED], Lead Support Specialist from the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Petitioner's 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. In October 2015, Petitioner applied for FIP benefits.
2. On November 2, 2015, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of school attendance for her son, Child A and her daughter Child B by November 12, 2015. (Exhibit A)
3. On November 30, 2015, the Department sent Petitioner a Notice of Case Action informing her that for the month of November 2015, she was approved for \$557 in

FIP benefits and that for the period of December 1, 2015, ongoing, she was denied FIP benefits on the basis that she failed to verify requested information. (Exhibit B)

4. On February 2, 2016, Petitioner requested a hearing disputing the closure of her cash assistance case.

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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (July 2015), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FIP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.6-7. The Department sends a negative action notice when the client indicates a 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, pp.6- 7.

In this case, the Department testified that in connection with the FIP application that was submitted, the Department requested that Petitioner verify school attendance for two of her children. The Department sent Petitioner a VCL and related documents which she was instructed to complete and return to the Department by November 12, 2015. (Exhibit A). The Department stated that because it did not receive the requested verifications by the due date and because it did not receive any contact from Petitioner concerning the verification checklist prior to the due date, it initiated the denial of her

FIP application. The Department sent Petitioner a Notice of Case Action advising of the application denial on November 30, 2015. (Exhibit B).

At the hearing, Petitioner stated that she was notified at the time she submitted her application in October 2015 that she needed to submit proof of school attendance for her children. Petitioner testified that she provided the Department with proof of school attendance for Child A at some point in mid-October 2015 and that she could not provide school attendance information for Child B because the 15 year old had recently moved back to Michigan from [REDACTED] and no school in the city of Detroit would enroll the child, as Petitioner was homeless at the time and the child's school records from California were not available. Child B was subsequently enrolled in an online school program in February 2016. Petitioner could not identify exactly when she submitted the school attendance information for Child A, however.

Petitioner further stated that she did not receive the VCL or the Notice of Case Action advising of the application denial. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption, however, 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). A review of the VCL and Notice of Case Action established that the documents were sent to Petitioner's confirmed mailing address at the time. Petitioner stated that she was homeless but receiving mail at her nephew's house on Greenview Ave. Petitioner then stated that she moved in with her mother in law on Ohio St. on or around November 4, 2015, because she was informed that all of her children needed to be living in the same home. Petitioner testified that she had her mail forwarded and that she informed the Department of the change in her mailing address, which the Department disputed. Based on Petitioner's testimony at the hearing, she has not presented sufficient evidence to rebut the presumption that the VCL was sent to the proper mailing address.

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 because Petitioner failed to establish that she submitted the requested verification of student information, the Department acted in accordance with Department policy when it denied Petitioner's FIP application. Petitioner was informed that she is entitled to submit a new application for FIP benefits and have her eligibility determined.

There was some testimony provided at the hearing from a representative of the OCS concerning a non-cooperation sanction that was imposed on Petitioner's FIP case on or around December 29, 2015. The OCS representative testified that the issue has been resolved and Petitioner is in cooperation with OCS. Because the OCS non-cooperation sanction did not have any impact on the denial of Petitioner's FIP application at issue, the matter was not discussed at length during the hearing.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



ZB/tlf

Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

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