



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 17, 2016
MAHS Docket No.: 16-004654
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 telephone hearing was held on [REDACTED] from Detroit, Michigan. The Petitioner was represented by [REDACTED], the Petitioner's Authorized Hearing Representative (AHR). The Petitioner also appeared. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny the Petitioner's application for Family Independence Program (FIP) Cash Assistance for failure to verify information?

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 Petitioner applied for FIP Cash Assistance on [REDACTED].
2. The Department issued a Verification Checklist (VCL) on [REDACTED], which was due [REDACTED]. Exhibit 2.
3. The VCL requested that the Petitioner provide proof of her pregnancy and due date. The Department denied the Petitioner's FIP application by notice of case action dated [REDACTED], effective [REDACTED], for failure to provide verification. Exhibit 1.

4. The Petitioner did provide the Department, in response to its request for verification and prior to the verification due date, a copy of an ultrasound of her developing baby and a confirmation from [REDACTED] that she was seen for abdominal pain resulting from pregnancy.
5. The Department never discovered the verifications provided by the Petitioner until the hearing. The Department's hearing summary indicates that as of the date of the hearing summary, [REDACTED] the Department did not have proof of pregnancy. The Petitioner provided the requested documentation on [REDACTED].
6. The Petitioner 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 denied the Petitioner's application for FIP cash assistance benefits due to failure to provide verification of her pregnancy. At the hearing, the Petitioner credibly testified that she uploaded the requested documentation on [REDACTED]. The Department then checked the electronic correspondence system and found that it had received documents as testified to by the Petitioner at the hearing. The documents consisted of an ultrasound of her then developing baby and a statement from [REDACTED] that she was seen for abdominal pain as a result of pregnancy. Based on the facts as presented, it is determined that the Petitioner did provide the requested information ahead of the due date; and for whatever reason, the Department never discovered the information until the hearing.

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.

In this case, the Department did not provide a copy of the application filed by the Petitioner as part of its proofs at the hearing and never even discovered the verifications

provided by the Petitioner until prompted to search the electronic data system for verifications as testified to by the Petitioner. Further, the Department did not indicate as part of its burden why the application for FIP was properly denied in light of these facts. It does appear that the Petitioner provided the information timely and that she made a reasonable effort to provide it. Therefore, the Department has not met its burden to demonstrate that the denial of the application was in conformance with Department policy. Also, the documents found in the Department's electronic correspondence system were to be provided after the hearing and were not received prior to the issuance of this Hearing Decision. The ultrasound and the [REDACTED] document were made part of the hearing record as Exhibit 3. At the hearing, the Petitioner provided a due date for her baby of [REDACTED].

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the Petitioner's FIP application for failure to provide verification of her pregnancy.

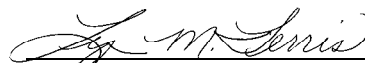
DECISION AND ORDER

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. The Department shall reinstate the Petitioner's application dated [REDACTED] and process the application to determine eligibility. The Department shall also consider that the information regarding the due date has been received by the Department at the hearing when processing the Application.
2. The Department shall provide the Petitioner written notice of its eligibility determination or any other information it provides or requests of the Petitioner.

LMF/jaf



Lynn M. Ferris
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

DHHS

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]

cc:

[REDACTED]