



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: February 10, 2017
MAHS Docket No.: 16-018531
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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, an in-person hearing was held on January 25, 2017, from Detroit, Michigan. The Petitioner was present at the proceeding and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Case Manager.

ISSUE

Did the Department properly deny Petitioner's Case Assistance (Family Independence Program) application effective November 1, 2016?

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 October 13, 2016, Petitioner applied for Food Assistance Program (FAP) and Cash Assistance (FIP) benefits. Exhibit A, p. 3.
2. Petitioner resides with five household members, herself, Petitioner's mother, Child A (11-years-old; date of birth [REDACTED]), Child B (seven-year-old child; no date of birth provided), and Child C (date of birth [REDACTED]). Exhibit A, pp. 5-8.
3. Petitioner's mother has legal guardianship of Child A.

4. In the application, Petitioner reported Child A as a household member and applied for FAP and Cash Assistance for the child and indicated that Child A is currently in K-12 school. Exhibit A, p. 7.
5. On October 18, 2016, the Department sent Petitioner a Verification Checklist (VCL) requesting proof of Child A and Child B's school attendance and the verifications were due back by October 28, 2016. Exhibit A, p. 9.
6. Petitioner returned verification of Child B's school attendance, but failed to return verification of Child A's school attendance by the due date. Exhibit A, p. 1 (Hearing Summary).
7. On November 28, 2016, the Department sent Petitioner a Notice of Case Action notifying her that her Cash (FIP) application was denied effective November 1, 2016, due to her failure to provide verification of Child A's school attendance. Exhibit A, pp. 10-11.
8. On December 6, 2016, Petitioner filed a hearing request, protesting the Department's action. Exhibit A, p. 2.

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

For FIP benefits, a dependent child age 6 through 15 must attend school full-time. BEM 245 (October 2016), p. 1. If a dependent child age 6 through 15 is not attending school full-time, the entire Family Independence Program (FIP) group is not eligible to receive FIP. BEM 245, p. 1. The Department verifies school enrollment and attendance at application and redetermination beginning with age 7. BEM 245, p. 10. Verification of school enrollment and attendance include the following:

- DHS-3380, Verification of Student Information. At each birthday a child has beginning with age 16, Bridges automatically sends the DHS-3380.
- For home schools, verification of the organized educational program used, curriculum agenda, instruction materials or student records may be used. The SM-4325, Nonpublic School Membership Report, may also be used, but completion of this form is voluntary for home schools.
- Telephone contact with the school.
- Other acceptable documentation that is on official business letterhead.

BEM 245, p. 11.

For FIP cases, the Department allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (July 2016), p. 1. The client must obtain required verification, but the local office must assist if they need and request help. BAM 130, p. 3. If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. BAM 130, p. 3. If no evidence is available, use your best judgment. BAM 130, p. 3. The Department 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. BAM 130, p. 7.

In the present case, Petitioner applied for FAP and Cash Assistance for Child A and indicated in the application that Child A is currently in K-12 school. Exhibit A, p. 7. Based on the information Petitioner provided, the Department indicated that policy requires that it obtain verification of Child A's school attendance. See BEM 245, pp. 10-11. Therefore, on October 18, 2016, the Department sent Petitioner a VCL requesting proof of Child A and Child B's school attendance and the verifications were due back by October 28, 2016. Exhibit A, p. 9. Petitioner returned verification of Child B's school attendance, but failed to return verification of Child A's school attendance. As such, the Department denied Petitioner's Cash Assistance (FIP) application because she failed to return Child A's school verification. Exhibit A, pp. 10-11.

After the denial, the Department testified that it was informed by Petitioner that her mother has guardianship over Child A; therefore, Petitioner's mother would be the only person who could obtain the school records. The Department testified that based on this information, Petitioner should have not applied for Cash Assistance benefits for Child A because she does not have legal guardianship.

In response, Petitioner did not dispute that her mother had guardianship over Child A. But, Petitioner testified that she attempted to inform her caseworker that she did not have guardianship of Child A and not to include the child in the application, but never received any response. She testified that she did not know at the time she was completing the application that she was not supposed to apply for benefits for Child A. Petitioner testified that she attempted these multiple contact to her caseworker both before October 25, 2016 and after this date. Petitioner testified that she attempted to

contact the supervisor, but still did not receive any response. Petitioner indicated that it was only after the denial notice was issued on November 28, 2016, that she was finally able to speak with her caseworker.

The Department testified that the only contact it received from Petitioner was after the denial via telephone and in-person. The Department testified that she could not speak to whether her supervisor received any contact from Petitioner, but if the supervisor did receive a call from Petitioner, generally, they would contact the client back.


Based on the foregoing information and evidence, the undersigned Administrative Law Judge (ALJ) finds the Department properly denied Petitioner's Cash Assistance (FIP) application effective November 1, 2016, in accordance with Department policy. Petitioner claims that she contacted her caseworker/supervisor multiple times seeking assistance with the application/school verifications, but to no avail. However, the undersigned ALJ does not find Petitioner's argument persuasive. Petitioner failed to present any evidence showing that she attempted to contact the Department multiple times seeking assistance before the Cash Assistance denial, i.e., phone records. Instead, the undersigned ALJ finds the Department credible that it first spoke to Petitioner regarding the application/verification issues not until after the application denial. Nevertheless, Petitioner clearly applied for Cash Assistance/FAP benefits for Child A and reported that the child attends school. Exhibit A, p. 7. The Department properly requested verification of Child A's school attendance in accordance with Department policy and she failed to return Child A's requested verifications by the due date. See BEM 245, pp. 1 and 10-11. Because Petitioner failed to return Child A's school attendance verification by the due date, the Department acted in accordance with Department policy when it denied her Cash Assistance (FIP) application effective November 1, 2016. BAM 130, pp. 3 and 7 and BEM 245, pp. 1 and 10-11. Petitioner can reapply for benefits.

DECISION AND ORDER

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 properly denied Petitioner's Cash Assistance (FIP) application effective November 1, 2016.

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

EF/tm



Eric J. Feldman
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]
[REDACTED]
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