



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: June 21, 2017  
MAHS Docket No.: 17-006053  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Gary Heisler

### **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 June 20, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Assistance Payment Worker [REDACTED] and Assistance Payment Supervisor [REDACTED].

### **ISSUE**

Did the Department properly deny Petitioner's February 10, 2017 Family Independence Program (FIP) application?

### **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 February 10, 2017, Petitioner submitted an application for Family Independence Program (FIP) benefits.
2. On March 3, 2017, Petitioner submitted another Family Independence Program (FIP) application.
3. On March 16, 2017, Petitioner reported that she had given birth to her fourth child and that the child's father, [REDACTED] had moved in with her.
4. On March 22, 2015, Petitioner was sent a Verification Checklist (DHS-3503) which requested verification of [REDACTED] income. The verification was due April 3, 2017.

5. On March 22, 2017, Petitioner was also sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) application was denied.
6. On April 28, 2017, Petitioner submitted a hearing request.

### **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.

Bridges Administration Manual (BAM) 115 Application Processing requires that the Department must certify Family Independence Program (FIP) approval or denial of an application within 45 days.

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts provides:

#### **Timeliness of Verifications**

#### **FIP, SDA, RCA, Child Development and Care (CDC), FAP**

Allow the client 10 calendar days (**or** other time limit specified in policy) to provide the verification that is requested.

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a MDHHS representative are considered to be received the next business day.

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.

The Department representative testified that no denial had been sent out prior to March 22, 2017, for a Family Independence Program (FIP) application. The March 22, 2017, Verification Checklist (DHS-3503) gave Petitioner until April 3, 2017, to provide the

requested verifications. Denial of the application prior to April 3, 2017, does not comply with BAM 130.

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 did not act in accordance with Department policy when it denied Petitioner's February 10, 2017 Family Independence Program (FIP) application.

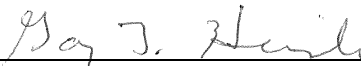
### **DECISION AND ORDER**

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. Reinstate Petitioner's February 10, 2017 Family Independence Program (FIP) application and process it in accordance with Department policy to include issuing a current eligibility notice.

GH/nr

  
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Gary Heisler  
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]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]