



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR



Date Mailed: September 25, 2017  
MAHS Docket No.: 17-011011  
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 September 18, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED] [REDACTED]

**ISSUE**

Did the Department properly deny Petitioner's July 7, 2017 Family Independence Program (FIP) application?

Did the Department properly deny Petitioner's July 7, 2017 Food Assistance Program (FAP) 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 July 7, 2017, Petitioner submitted an Assistance Application (DHS-1171) for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. The application listed Petitioner and her three school age children as the members of the household. Petitioner had just relocated to Michigan from Arkansas.
2. On July 10, 2017, Petitioner was sent a Verification Checklist (DHS-3503). The requested verifications included school attendance of the three children and a current statement for Petitioner's checking account. The verifications were due back on July 20, 2017.

3. On August 4, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her application for Family Independence Program (FIP) benefits was denied for failure to provide verification of the children's school attendance. The notice also stated Petitioner's application for Food Assistance Program (FAP) benefits was denied for failure to provide verification of Petitioner's checking account.
4. On August 10, 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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Bridges Administration Manual (BAM) 130 Verification and Collateral Contacts (4-1-2017) provides in relevant part:

#### **Obtaining Verification**

##### **All Programs**

Tell the client what verification is required, how to obtain it, and the due date; see **Timeliness of Verifications** in this item. Use the DHS-3503, Verification Checklist (VCL), to request verification.

The client must obtain required verification, but the local office must assist if they need and request help.

If neither the client nor the local office can obtain verification despite a reasonable effort, use the best available information. If **no** evidence is available, use your best judgment.

## **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.

### **Family Independence Program (FIP)**

In this case Petitioner had just relocated to Michigan from Arkansas, during the summer when her children were not yet attending school in Michigan. The Verification Checklist (DHS-3503) sent to Petitioner said she needed to return an AM-4325 Nonpublic School Membership Report, a Home School Curriculum or a DHS-3380 Verification of School Enrollment. None of those options were available to Petitioner because her children were not attending school yet, in July. Petitioner testified credibly that she communicated the problem to the Department.

BAM 130, cited above provides the Department's requirements with regard to verifications. BRIDGES programming does not take over the case worker's responsibilities to go beyond automated case management. It is understood that DHHS case workers are swamped by the amount of cases and work required of them. However, that situation does not negate the requirements provided in Department policy. Denial of Petitioner's Family Independence Program (FIP) application did not comply with Department policy.

### **Food Assistance Program (FAP)**

During this hearing Petitioner testified credibly that she submitted a print out of her checking account. Petitioner was questioned with regard to the information on that print out. Petitioner stated that she does not think that it showed her name, proving she was owner of the account.

For purposes of asset verification, an account statement must show the name of the account's owner. The Verification Checklist (DHS-3503) sent to Petitioner does not provide that information. It simply indicates that Petitioner should return a "Current statement from bank or financial institution." BAM 130, cited above, states that the Department must tell the client that verification is required. This situation requires that a

case worker go beyond the minimum requirements to process a case using automated case management. Again, the oppressive work load of a case worker does not negate the requirements of Department policy. Petitioner was not informed of the fact that her submission was not adequate and what was specifically required to verify her checking account. Denial of Petitioner's Food Assistance Program (FAP) application did not comply with Department policy.

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 July 7, 2017 Family Independence Program (FIP) and Food Assistance Program (FAP) application.

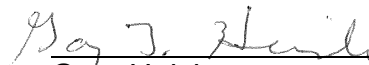
**DECISION AND ORDER**

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 July 7, 2017 application for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits and process it in accordance with Department policy.

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]

**Petitioner**

[REDACTED]