



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

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Date Mailed: October 11, 2017  
MAHS Docket No.: 17-009471  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Ellen McLemore**

**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; 42 CFR 438.400 to 438.424; 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 October 9, 2017, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by ██████████ ██████████, Eligibility Specialist, and ██████████ ██████████, Assistance Payments Worker.

**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. On May 1, 2017, Petitioner applied for FIP benefits (Exhibit A).
2. On May 2, 2017, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of her daughter's school attendance (Exhibit B).
3. On May 2, 2017, the Department sent Petitioner a Verification of Student Information form that was to be completed by Petitioner's daughter's school (Exhibit C).

4. On June 15, 2017, the Department sent Petitioner a Notice of Case Action informing her that her FIP benefit application was denied for her failure to submit verification of her daughter's school attendance.
5. On July 7, 2017, Petitioner submitted a request for hearing disputing the Department's actions.

### **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, Petitioner submitted an application for FIP benefits on May 1, 2017. On May 2, 2017, the Department sent Petitioner a VCL requesting various proofs including verification of her daughter's school attendance. Proofs were due May 12, 2017. Also on May 2, 2017, the Department sent Petitioner a Verification of Student Information form that was to be completed by Petitioner's daughter's school. Petitioner submitted all required verifications by May 12, 2017, with the exception of her daughter's school attendance. As a result, Petitioner's application for FIP benefits was denied.

For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130 (April 2017), p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, p. 7. 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. BAM 130, p. 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, p. 7.

Petitioner testified that she provided the Verification of Student Information form to her daughter's school. Petitioner stated she was informed by the school that they would complete the form and fax it to the Department on her behalf. Petitioner was not aware of the school's failure to send the form to the Department until the Department had denied her application for FIP benefits on June 15, 2017. Petitioner contacted the school again and the verification was submitted to the Department on July 11, 2017.

A review of the VCL reveals the Department requested a substantial amount of information from Petitioner. Petitioner submitted all of the requested documents except for the school attendance information. Petitioner gave credible testimony that she made a timely good faith effort to obtain the verification of school attendance and that the error was committed on behalf of the school. It is, therefore, found that Petitioner made a reasonable effort to provide the requested information, and thus, the Department improperly denied Petitioner's FIP application.

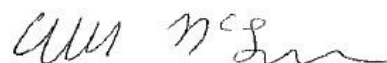
### **DECISION AND ORDER**

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application.

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. Reregister and reprocess Petitioner's May 1, 2017 application for FIP benefits;
2. If Petitioner is eligible for FIP benefits, issue supplements to Petitioner that she was eligible to receive but did not as a result of the application denial; and
3. Notify Petitioner of its FIP decision in writing.



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**Ellen McLemore**  
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**

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