



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: February 27, 2018
MAHS Docket No.: 17-015945
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 3-way telephone hearing was held on January 30, 2018, from [REDACTED] Michigan.

Petitioner, [REDACTED], appeared on his own behalf and testified.

Respondent, Department of Health and Human Services (Department), was represented by [REDACTED]. Appearing as witnesses for Respondent were [REDACTED], MDHHS Title IV-E Federal Compliance Division, [REDACTED] Foster Care Supervisor [REDACTED] County, [REDACTED], YVAC worker, [REDACTED], Executive Director Federation of Youth Services and [REDACTED], Foster Care Case Manager. Department Exhibits A & B were received and admitted.

ISSUE

Did the Department properly deny Petitioner Young Adult Voluntary Foster Care (YAVFC) payments?

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 or about September 11, 2017, Petitioner appeared at a [REDACTED] office requesting YAVFC payments for a period of eligibility for which he was not paid.

2. Petitioner provided a DHS-1297 with a signature date of September 22, 2015, and pay stubs for the time period between September 22, 2015, and May 5, 2016.
3. Petitioner turned 21 on [REDACTED].
4. On December 1, 2017, Petitioner was notified that he was not eligible for retroactive YAVFC payment.
5. Petitioner, requested a hearing on December 7, 2017, protesting the Department's denial of YAVFC payment.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Children's Foster Care Manual, FOM, Bridges Administrative Manual, (BAM), and Children's Protective Services Manual (PSM). Title IV-E requirements, 42 USC 670, *et seq.* The Adoption Assistance and Child Welfare Act of 1980. Title IV-E is The Foster Care Program implemented by the Social Security Act Section 401 *et seq.*, as amended and implemented under the Code of Federal Regulations at 45 CFR parts 1355, 1356 and 1357.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

OVERVIEW

The Young Adult Voluntary Foster Care (YAVFC) program provides youth, age 18 to 21, with extended foster care benefits that include financial stipends and case management. The program must comply with federal and state requirements.

ELIGIBILITY CRITERIA

Consideration for YAVFC is available to youth who were in out-of-home placement after being referred or committed to the Michigan Department of Health and Human Services (MDHHS) for care and supervision at the age of 18 years old. Youth requesting to participate in YAVFC must meet either of the following criteria:

- **Extending** an open foster care case.

The youth is currently receiving foster care services and is at least 18, but less than 21 years-old.

- **Entering/Re-entering** YAVFC after case closure.

The youth exited foster care/YAVFC after reaching 18 years old, but is less than 21 years-old.

Note: Youth with a delinquency (DL) court case must have a dual abuse/neglect case to be considered for eligibility.

PROGRAM REQUIREMENTS

To qualify for an extension of foster care services and receive foster care maintenance payments the youth must meet one of the following conditions:

- Actively completing high school or a program leading to a general educational development (GED).
- Enrolled at least part-time in a college, university, vocational program, or trade school.
 - A youth who is on semester, summer, or other break, but was enrolled the previous semester and will be enrolled after the break, is considered enrolled in school.
 - A school determines if a student is enrolled in the institution. Once the school no longer considers a youth enrolled, he/she begins the grace period; see Grace Period later in this section.
- Employed in either full- or part-time work or participating in a program that promotes employment (such as Job Corps, Michigan Works!, or another employment skill-building program). Participation must be at least 80 hours per month and may be at one or more places of employment and/or a combination of the above activities.

Note: Federal guidelines do not allow for self-employment to be used for YAVFC eligibility.

- Volunteering for a community organization for at least 80 hours per month, or in combination with education or employment to meet minimum eligibility requirements.

Note: Volunteering for MDHHS or other child welfare agency caseworkers does not qualify. Community organization representative must document hours spent volunteering.

- Incapable of the above educational, employment, or volunteer activities due to a documented medical condition.
- If eligibility is based on incapacity, the caseworker must assist the youth in applying for Supplemental Security Income (SSI) if applicable

VERIFICATION OF ELIGIBILITY

Verification of eligibility must be documented in writing and uploaded into MiSACWIS under Eligibility on the Financial screen. A completed eligibility verification form documenting that all requirements are met **must be provided to the caseworker prior to signing the DHS-1297, YAVFC Agreement**. The following verification forms must be used to document eligibility:

- [DHS-3380, Verification of Student Information](#) (may also be used to verify vocational training or trade school).
- [DHS-38, Verification of Employment](#) (may also be used to verify an alternative to employment, such as volunteering). Volunteering not documented on the DHS-38 must be documented by a representative of the community organization and written on organization letterhead.
- [DHS-54A, Medical Needs](#). FOM 722-16

FAIR HEARINGS OVERVIEW

The youth has the right to contest a department decision affecting YAVFC eligibility. After the department notifies the youth of a denial or closure of YAVFC through a DHS-1301, Young Adult Voluntary Foster Care Case Denial/Closure Notice, the youth may request an administrative hearing. The department provides an administrative hearing to review the decision and determine its appropriateness. Resolution to issues raised in the request for a hearing should be resolved in the quickest manner possible. If the youth can verify they are eligible, the necessary forms should be completed to enroll the youth immediately and to withdraw the hearing request.

Hearing Request

Hearing requests must be made in writing and signed by the youth. Faxes or photocopies of signatures are acceptable. The Michigan Administrative Hearing System (MAHS) will deny requests signed by unauthorized individuals and requests without signatures. The hearing request must reference the reason(s) for requesting the hearing and the specific issue at dispute.

Where to File a Hearing Request

Instruct youth to email or mail the hearing request to

MDHHS-YAVFC@Michigan.gov **or**
MDHHS-Education and Youth Services
Young Adult Voluntary Foster Care
235 Grand Ave., Suite 514
Lansing, MI 48909

The Education and Youth Services Unit receives the request on behalf of the department. Route all hearings related material through the Education and Youth Services Unit regardless of the addressee.

All hearing requests received must be date stamped and forwarded immediately to the Education and Youth Services Unit. If the hearing request is received by a local office that is not responsible for the disputed action, date stamp the request and forward it immediately to the Education and Youth Services Unit.

Deadlines for Requesting a Hearing

Only MAHS may deny a request for a hearing. Accept and forward all hearing requests to MAHS.

The youth has 21 calendar days from the mailing of the DHS-1301, Young Adult Voluntary Foster Care Case Denial/Closure Notice, to request a hearing. If a hearing request is filed more than 21 calendar days from the date of the notice of case action, the Education and Youth Services Unit must do the following:

- Ensure the local office supervisor completes a DHS-3050, Hearing Summary, stating:
 - Why the request is ineligible for a hearing.
 - Specific reasons for lack of YAVFC eligibility.

- The request was received after 21 days from the date of the mailing of the notice of case action (attach a copy of the notice).
- Forward the hearing request and the summary to MAHS.

MAHS will inform the youth and the hearings coordinator if the request is denied. FOM 902-21A

In this case, Petitioner was not eligible for YAVFC payments because he did not present sufficient proof that he verified the eligibility requirements prior to signing the DHS-1297 on September 22, 2015. FOM 722-16 requires that a youth document their eligibility through employment, education, or disability prior to signing the DHS-1297. The social work contacts do not reflect that Petitioner provided those verifications on September 22, 2015, and Petitioner presented no other proof that he provided verifications prior to signing the DHS-1297 on September 22, 2015.

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 denied YAVFC Payments for Petitioner in this case because he did not comply with FOM 722-16.

DECISION AND ORDER

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

AM/md



Aaron McClintic

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

Department Representative

[REDACTED]

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]