



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: February 8, 2018  
MAHS Docket No.: 17-016801  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 February 7, 2018, from Detroit, Michigan. The Petitioner was represented by himself. An Arabic Interpreter, [REDACTED] appeared to translate for the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED] Hearing Facilitator.

**ISSUE**

Did the Department properly deny the Petitioner's Family Independence Program (FIP) Application for cash assistance for failure to verify information?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department received the Petitioner's Hearing Request on December 21, 2017 regarding a Notice of Case Action issued by the Department on September 29, 2017. Exhibit A
2. The Petitioner's hearing request was timely as it was filed within 83 days of the issuance of the Notice of Case Action denying the Petitioner's FIP application.
3. The Petitioner applied for FIP benefits September 2017. The Department did not present the application or the application date at the hearing and the information



Notice of Case Action denying the FIP application was issued September 20, 2017 and recipients have 90 days from the date of the Notice to file a hearing request. In this case the hearing request was received by the Department on day 83 after the Notice was issued and thus is timely as it was received within 90 days. BAM 600 (January 2018) p. 6.

The Department denied the Petitioner's application for FIP benefits due to alleged failure to complete the requested verifications sought by the Department. The Petitioner returned verifications for two of his ■ children. The Petitioner explained at the hearing that the daughter is disabled is unable to speak and receives SSI and is 7 years of age. He further credibly testified that he advised the caseworker at intake of the situation with his daughter. She was not currently enrolled in school due to the school's system attempting to determine where she should be placed in light of her disability. The Petitioner was not advised by the Department how to address the situation with respect to the verification of school enrollment and will need to advise the Petitioner to obtain a letter from the school system as regards its plans for his daughter ■ enrollment.

Because the Petitioner does not speak or read English, issues such as how to verify school enrollment in this situation needs to be clarified and Petitioner must also be advised that he can request the Department's assistance in obtaining the verification.

In addition, the Department conceded at the hearing that it had received on July 27, 2017 a letter from Petitioner's former employer indicating that he lost his employment from ■. Evidently the Department overlooked the letter. In addition the letter is signed and a phone number is provided. Had the Department reviewed the electronic data files a collateral contact with the employer could have been done to satisfy any questions the Department had regarding the letter. Exhibit F

Apparently, the Petitioner last had earnings from employment in June 2017 which pay stubs were also in the electronic case file. The Petitioner was asked to verify and provide the Department with the last 30 days of earnings. Exhibit C. Given the fact that the Petitioner was not employed at the time of the application, having listed no employer on the application, the Petitioner had no earnings within the last 30 days and thus did not fail to verify information. In addition, at the hearing, the Department attempted to argue that it was seeking verification of cash payments received by Petitioner for work based upon a prior redetermination which was not part of the record. If the Department was seeking verification of cash payments received for work, it must articulate more clearly what it is seeking. At the hearing the Petitioner testified under oath that he does not receive cash payments for any work and only had income from his former employment with T&N.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Required by policy. Bridges Eligibility Manual (BEM) items specify which factors and under what circumstances verification is required.
- Required as a local office option. The requirement **must** be applied the same for every client. Local requirements may **not** be imposed for Medicaid Assistance (MA).
- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Verification is usually required at application/redetermination **and** for a reported change affecting eligibility or benefit level. BAM 130 (April 2017), p. 1

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.

**Note:** For FIP, SDA and RCA, if the client contacts the department prior to the due date requesting an extension or assistance in obtaining verifications, the specialist may grant an extension to the VCL due date. BAM 130, p. 7

Tell the client what verification is required, how to obtain it, and the due date; The client must obtain required verification, but the local office must assist if they need and request help. BAM 130, p. 3

In this case as explained above, the Department did not articulate clearly what it wanted and why it asked for earned income when it was advised the Petitioner had lost his job and when the Department had been previously provided a letter from █████ which was contained in the electronic case file. The Department already had information regarding the employer █████ in its files and apparently did not find the information. The Petitioner verified that he had told the Department at the time of his application intake that he lost his job and testified he had previously provided a letter. The Petitioner denied any other employment or cash received for employment.

As regards the Petitioner 's disabled daughter, the Petitioner merely signed the form which would indicate further information and a discussion with Petitioner should have occurred at the time of intake as this is not a typical straightforward situation to verify school enrollment. With respect to this verification the Department must assist the Petitioner and seek collateral contacts with the school system if necessary as required by BAM 130.

A dependent child age 6 through 15 must attend school full-time. 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, (January 2018), p.1.

The Petitioner must verify that his daughter is enrolled in school full time in either the normal school curriculum or in special education and must provide some written information to the Department from the school authorities regarding his daughter's school status, and may also provide to the Department a collateral contact or phone number of the individual who is assisting school placement for his daughter in the school system.

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 the Petitioner's FIP application dated September 2017.

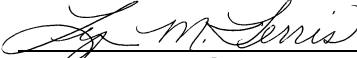
### **DECISION AND ORDER**

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. The Department shall re register the Petitioner FIP application associated with the Notice of Case Action issued on September 29, 2017 and re process the application.
2. The Department shall provide the Petitioner written notification of its determination regarding the application.
3. The Department, if it determines that Petitioner is eligible for FIP benefits, shall issue a FIP supplement to Petitioner for FIP benefits Petitioner is eligible to receive in accordance with Department policy.

LF/tm



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**Lynn M. Ferris**

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]  
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