



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 26, 2018
MAHS Docket No.: 18-000585
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 March 21, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED] [REDACTED], Hearing Facilitator, and [REDACTED] [REDACTED], Family Independence Manager.

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 November 20, 2017, Petitioner submitted a FIP application.
2. On November 22, 2017, the Department issued a Verification Checklist (VCL) requesting proof of home rent, school attendance, residential address, employment services, and relationship to two other individuals in the home.
3. On the same day, Petitioner was informed by her case worker to expect documents in the mail and explained that everything mailed to her was also visible in her Bridges account.
4. Petitioner submitted some proofs to the Department but did not submit all proofs as requested by the Department.

5. On December 20, 2017, the Department issued a Notice of Case Action denying Petitioner's application for FIP benefits for failure to verify school attendance and residential address.
6. On January 17, 2017, Petitioner submitted a hearing request to the Department disputing the denial of FIP benefits based upon a failure to submit the requested verifications.

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 was denied FIP benefits because she did not provide all requested verifications to the Department. Verification of circumstances is usually required at application, redetermination, or upon a reported change. BAM 130 (April 2017), p. 1. The Department uses the Verification Checklist to request verification of certain items and should explain what verification is required, how to obtain it, and the due date. BAM 130 p. 3. Clients are provided 10 calendar days to provide the requested verifications. BAM 130, p. 7. If a client requests help in obtaining necessary verifications, the Department is required to provide assistance. BAM 130, p. 3.

Petitioner provided some verifications, but not all verifications to the Department. In her hearing request, Petitioner states that she was unaware of the need for verification of school attendance. At the hearing, she did not mention this as a reason for her failure to provide the required proofs. Instead, Petitioner testified that she could not provide the proofs because she was homebound due to her injury and could not go to the school to obtain the verifications. She also testified that she did not have copies of the necessary forms to enable her to meet the requirement. Finally, she testified that she has called to ask for assistance or copies of necessary forms, but never receives a response from her case worker.

Despite Petitioner's testimony, Petitioner spoke with a Department worker on November 28, 2017, for her telephone interview, six days after the VCL was issued and a voicemail was left for her explaining that the mailed documentation could also be found online. During this telephone interview, Petitioner could have requested copies of any forms that she needed and could have requested assistance in obtaining the

necessary verifications. It is also noted that Petitioner was able to send the other forms of proof to the Department through the assistance of her mother. Petitioner's mother faxed those documents from her place of employment on behalf of Petitioner. Finally, even though the Department is only required to provide 10 days to provide the necessary verifications, the Department did not take action to deny Petitioner's application until 30 days after the proofs were requested. Petitioner had was properly informed of the requested documentation and had the opportunity to seek assistance.

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 Petitioner's application for FIP benefits.

DECISION AND ORDER

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

AM/



Amanda M. T. Marler

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]

Petitioner

[REDACTED]
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