



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: June 14, 2017  
MAHS Docket No.: 17-003966  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 May 30, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED] Independence Manager.

### **ISSUE**

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) benefits on the basis that she failed to verify requested 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. On January 23, 2017, Petitioner submitted an application for FIP benefits. (Exhibit A)
2. At the time of the FIP application, the Department had employment information on file for Petitioner from [REDACTED] and [REDACTED]. During the application interview, Petitioner reported that she lost employment.
3. The Department verified the loss of employment for [REDACTED] through the Work Number.

4. On January 27, 2017, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of: wages from the last 30 days; loss of employment (from [REDACTED]); residential address; and school attendance for her son to the Department by February 6, 2017. (Exhibit B)
5. The Department sent Petitioner Verification of Student Information and Verification of Employment (for [REDACTED] forms to be completed and returned. (Exhibit C)
6. Petitioner did not return the requested information by the due date on the VCL.
7. On February 13, 2017, the Department sent Petitioner a Notice of Case Action advising her that her FIP application was denied on the basis that she failed to return verification of school attendance, loss of employment, earned income, and residential address. (Exhibit D)
8. On February 27, 2017, Petitioner submitted verification of employment/loss of employment for [REDACTED] (Exhibit E)
9. On March 24, 2017, Petitioner requested a hearing disputing the Department's actions with respect to her FIP application.
10. On or around April 6, 2017, Petitioner submitted verification of student information.

### **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.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2017), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FIP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. BAM 130, pp.7-8. 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, pp. 7-8.

In this case, the Department testified that because it did not receive the requested verifications by the due date reflected on the VCL, it sent Petitioner a Notice of Case Action dated February 13, 2017, advising of the denial of the FIP application. The Department confirmed that on or around February 27, 2017, Petitioner returned verification of income and on April 6, 2017, verification of school information. However, the Department stated that because the documents were returned after the negative action deadline of February 24, 2017, it was too late and the verifications were not processed.

At the hearing, Petitioner stated that she contacted the Department to let her case worker know that she could not obtain the loss of employment. Petitioner testified that she did not lose her employment at [REDACTED] but that she was employed there on a seasonal basis. Petitioner confirmed that she received income from [REDACTED] in January 2017 but there was no evidence presented that she provided the Department with proof of her wages as instructed in the VCL. With respect to the student information verification, Petitioner stated that she mailed it to the Department but did not provide a date of mailing. Petitioner testified that she forgot about the forms which is why she did not submit them sooner.

Upon review and under the facts in this case, the Department properly denied Petitioner's FIP application on the basis that she failed to timely submit the requested verifications. Petitioner is informed that she is entitled to submit a new FIP application to have her eligibility determined.

### **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 acted in accordance with Department policy when it denied Petitioner's FIP application.

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



ZB/tlf

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**Zainab A. Baydoun**  
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

**Via Email:**



**Petitioner – Via First-Class Mail:**

