



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 7, 2018

MAHS Docket No.: 18-006295

Agency No.: [REDACTED]

Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on August 8, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Eileen Kott.

ISSUE

Did the Department of Health and Human Services (Department) properly close Petitioner's 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 March 5, 2018, the Department sent Petitioner a New Hire Client Notice with a due date of March 15, 2018. Exhibit A, pp 5-6.
2. On April 30, 2018, the Department sent Petitioner a Verification of Student Information (DHS-3380). Exhibit A, pp 17-18.
3. On March 21, 2018, the Department notified Petitioner that she was no longer eligible for Family Independence Program (FIP) benefits effective April 1, 2018. Exhibit A, pp 7-11.
4. On [REDACTED], 2018, the Department received Petitioner's application for assistance. Exhibit A, p 16.

5. The Department denied Petitioner's application for Family Independence Program (FIP) benefits effective June 1, 2018, and ongoing. Exhibit A, p 20.
6. On June 18, 2018, the Department received Petitioner's request for a hearing protesting the closure of her Family Independence Program (FIP) benefits. Exhibit A, pp 2-3.

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.

Clients must cooperate with the local office in determining initial and ongoing eligibility and this includes the completion of necessary forms. Department of Human Services Bridges Assistance Manual (BAM) 105 (January 1, 2018), p 8.

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. The Department uses documents, collateral contacts, or home calls to verify information. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. When documentation is not available, or clarification is needed, collateral contact may be necessary. Department of Human Services Bridges Assistance Manual (BAM) 130 (April 1, 2017), pp 1-10.

Petitioner was an ongoing FIP recipient when the Department requested that she verify her employment and income by March 15, 2018. When the Department did not receive verification of her employment and income, the Department closed her FIP benefits effective April 1, 2018.

On [REDACTED], 2018, the Department received Petitioner's application for assistance. The Department then reinstated Petitioner's FIP benefits.

Petitioner had a duty to provide the Department with verification of her employment and earned income in a timely manner, even if it was temporary employment. When

Petitioner failed to verify her employment, the Department properly closed her FIP benefits effective April 1, 2018.

Reinstatement restores a closed program to active status without completion of a new application. Closed programs may be reinstated for complying with program requirements before a negative action date. Department of Health and Human Services Bridges Administrative Manual (BAM) 205 (January 1, 2018), p 1.

Petitioner applied for FIP benefits on [REDACTED], 2018. Assuming Petitioner had provided verification of her earned income, the evidence does not support a finding that it was verified before her FIP benefits closed. Therefore, reinstatement was not appropriate under BAM 205.

Although reinstatement of FIP benefits was not supported by BAM 205, the hearing record does not support a finding that Petitioner's June 5, 2018, application for FIP benefits was properly approved or denied. If verification of Petitioner's earned income was necessary to determine eligibility for FIP benefits, the record does not contain evidence that Petitioner was sent another request for income verification.

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 closed Family Independence Program (FIP) benefits effective April 1, 2018, but did not act in accordance with Department policy when it denied Family Independence Program (FIP) benefits effective June 5, 2018.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED** with respect to closure of Family Independence Program (FIP) benefits effective April 1, 2018, but **REVERSED** with respect to the determination of eligibility for Family Independence Program (FIP) benefits effective June 5, 2018.

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:

Reprocess Petitioner's June 5, 2018, application for assistance and initiate a determination of the Petitioner's eligibility for Family Independence Program (FIP) based on that application.

KS/hb



Kevin Scully
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) 763-0155; 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

Dora Allen
14061 Lappin
Detroit, MI 48205

Wayne County (District 76), DHHS

BSC4 via electronic mail

G. Vail via electronic mail

D. Sweeney via electronic mail

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]