



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: January 17, 2018
MAHS Docket No.: 18-011719
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 December 19, 2018, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Lynda Brown, Hearing Facilitator and Michelle Lux, Family Independence Specialist.

ISSUE

Did the Department properly determine Petitioner's eligibility for the Family Independence Program (FIP)?

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 [REDACTED] [REDACTED] 2018, Petitioner applied for FIP. Department Exhibit 1, pgs. 5-10.
2. On October 11, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, due October 22, 2018 for school attendance verification of Petitioner's two children. Department Exhibit 1, pgs. 13-15.
3. On October 17, 2018, the Department Caseworker sent Petitioner an Appointment Notice, DHS-170, for an appointment on [REDACTED] [REDACTED] 2018, [REDACTED] Department Exhibit 1, pg. 12.

4. On [REDACTED] [REDACTED] 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that Petitioner's FIP application was denied for failure to provide verification of school attendance for the two children. Department Exhibit 1, pgs. 18-21.
5. On November 7, 2018, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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, the Petitioner applied for FIP on [REDACTED] [REDACTED] 2018. Department Exhibit 1, pgs. 5-10. On October 11, 2018, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, due October 22, 2018, for school attendance verification of Petitioner's two children. Department Exhibit 1, pgs. 13-15. On October 26, 2018, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that Petitioner's FIP application was denied for failure to provide verification of school attendance for the two children. Department Exhibit 1, pgs. 18-21. BAM 105, 110, and 115. BEM 245.

During the hearing, Petitioner stated that she submitted the required verification on October 19, 2018. The Department provided verification of the sign in sheet that she signed in, but all it stated was FIP paperwork submitted. Petitioner stated that during the interview on [REDACTED] [REDACTED] 2018, that the Department Caseworker did not tell her that she was missing anything. Her case was denied on October 26, 2018. The Department stated that required verification was not in the stack of verifications received on October 19, 2018.

Petitioner testified credibly that she submitted the school verification with the other verifications received. The Department should have informed Petitioner that she was missing something when the verifications were received on October 19, 2018, and during the interview on [REDACTED] [REDACTED] 2018. This Administrative Law Judge finds that the Department should have informed Petitioner what she was missing since she attempted to comply with the Department requirements.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application dated September 30, 2018, based on failure to submit school attendance verification.

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. Initiate a redetermination of the Petitioner's eligibility for FIP retroactive to her FIP application dated [REDACTED] 2018, by sending out a new Verification Checklist, DHS-3503 for the required school attendance verification for the contested time period.
2. Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination and issue Petitioner any retroactive benefits she may be eligible to receive, if any.

CF/hb



Carmen G. Fahie
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

Lauren Casper
27690 Van Dyke
Warren, MI 48093

Macomb County (District 20), DHHS

BSC4 via electronic mail

B. Cabanaw via electronic mail

G. Vail via electronic mail

Petitioner

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