



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: December 16, 2019
MOAHR Docket No.: 19-011524
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; 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 5, 2019, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Mary Williams-Berry, Supervisor.

ISSUE

Did the Department 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 an unverified date in or around [REDACTED] 2019, Petitioner submitted an application for FIP benefits.
2. In connection with the application, on [REDACTED] 2019, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her pregnancy and due date, and proof of her residential address by [REDACTED] 13, 2019. (Exhibit A, pp.11 – 12)

- a. The VCL advised Petitioner that in order to sufficiently verify her residential address, she was to return one of the following acceptable verification sources: a driver's license, other ID with name and address, lease/mortgage agreement, rent receipt, utility bill, or collateral contact. (Exhibit A, pp.11 – 12)
3. On [REDACTED], 2019, Petitioner submitted to the Department a copy of her Michigan Identification Card and a handwritten letter in which she stated that she does not have any utility bills or collateral contracts in her name. The letter further indicated that her name is not on the lease at the address she is currently staying and that she has been residing there for the past two months. Petitioner wrote that the address on her ID is a hotel address where she previously resided. (Exhibit A, pp. 13-14)
4. The Department determined that the information provided by Petitioner was insufficient verification of her residential address.
5. On [REDACTED] 2019, the Department sent Petitioner a Notice of Case Action advising her that her application for cash assistance under the FIP was denied because she failed to return verification of residential address. (Exhibit A, pp. 6-10)
6. On [REDACTED] 2019, Petitioner requested a hearing disputing the Department's action respect to her FIP application.

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.

To be eligible for FIP benefits, a person must be a Michigan resident. BEM 220 (April 2018), p.1. The Department will verify an individual's address, unless homeless. BEM 220, p.6. Acceptable verification sources for a residential address are identified in Department policy as follows: driver's license, other ID which provides a name and address, mortgage or rent receipt, utility bill, or collateral contact with a person who knows the individual's living arrangement. BEM 220, p. 8.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (April 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 the Michigan ID submitted by Petitioner did not reflect her current address and because the letter submitted by Petitioner did not include a current address, it determined that Petitioner failed to sufficiently verify her address. The Department sent Petitioner a Notice of Case Action dated [REDACTED] 2019, advising her that the FIP application had been denied based on a failure to verify.

At the hearing, Petitioner testified that after receiving the VCL, she contacted her caseworker and left a message to let him know that she did not have any of the acceptable residential address verification sources identified on the VCL. She stated that she did not receive a return phone call from her caseworker. Petitioner testified that she went to her local Department office on [REDACTED], 2019 to submit a copy of her Michigan ID which had her prior address. She stated that she informed the Department worker at the window that she did not have the required or acceptable verification sources for her residential address and that Department worker at the window instructed her to write the letter that she submitted. Petitioner testified that at the time of application and VCL, she was living with someone but did not have her name on a lease or any utilities in her name. She also testified that she did not understand what a collateral contact was, which is why she did not include that information on the letter she submitted. The phrasing in the letter written by Petitioner supports her testimony that she did not understand the requirements of providing the Department with information regarding a collateral contact.

Upon review and under the facts in this case, the evidence was sufficient to show that Petitioner made a reasonable effort to provide the requested verifications by the due date and did not indicate a refusal to provide the verifications. Therefore, 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 Petitioner's FIP application for failing to provide verification of residential address.

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. Register and reprocess Petitioner's [REDACTED] 2019 FIP application to determine her FIP eligibility from the application date ongoing;
2. Issue supplements to Petitioner for any FIP benefits that she was eligible to receive but did not, from the application date, ongoing, in accordance with Department policy; and
3. Notify Petitioner in writing of its decision.

ZB/tm



Zainab A. Baydoun

Administrative Law Judge

for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Chelsea McCune
27690 Van Dyke
Warren, MI
48093

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

cc: FIP: B. Sanborn; M. Schoch
AP Specialist Macomb (4)