



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: February 25, 2020
MOAHR Docket No.: 20-000195
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 February 5, 2020, from [REDACTED] Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator and Rollin Carter, Hearing Facilitator.

ISSUE

Did the Department properly 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], Petitioner applied for FIP benefits. Department Exhibit 1, pgs. 6-13.
2. On October 30, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, that was due on November 12, 2019, to provide written verification of the school attendance for [REDACTED] and [REDACTED], and relationship verification for [REDACTED]. Department Exhibit 1, pgs. 15-17.

3. On December 5, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her FIP case was denied on November 16, 2019. Department Exhibit 1, pgs. 20-22.
4. On January 9, 2020, the Department received a hearing request from 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, Petitioner applied for FIP benefits on [REDACTED]. On October 30, 2019, the Department Caseworker sent the Petitioner a Verification Checklist, DHS-3503, that was due on November 12, 2019, to provide written verification of the school attendance for [REDACTED] and [REDACTED] and relationship verification for [REDACTED]. Department Exhibit 1, pgs. 15-17. The Department did not receive the verifications by the due date and her FIP and FAP cases were closed. On December 5, 2019, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that her FIP case was denied on November 16, 2019 for failure to provide the required verification.

During the hearing, Petitioner stated that she submitted the required verifications by the due date in November 2019. The Department had no record of the required verifications submitted by the due date. Department Exhibit 2, pgs. c-l. Petitioner submitted a school verification form dated February 6, 2020, from the office manager that was date stamped from the Department on February 6, 2020, and a birth certificate for [REDACTED] that was date stamped by the Deputy Clerk on February 6, 2020, and that was date stamped from the Department on February 6, 2020. Department Exhibit 2, pgs. a-b. Petitioner did not present anything with a date stamp from November 2019 when the required verifications were due. She could not give a specific date for the Department to look at the logs for her sign in. This Administrative Law Judge does not find the Petitioner credible. She will have to reapply for FIP benefits.

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 for failing to provide the required verification by the due date.

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

CF/hb



Carmen G. Fahie
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

Saginaw County via electronic mail

BSC2 via electronic mail

B. Cabanaw via electronic mail

G. Vail via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]