



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: September 7, 2018
MAHS Docket No.: 18-007856
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 6, 2018, from Lansing, Michigan. [REDACTED] Petitioner, appeared and represented herself. Petitioner did not have any additional witnesses. Eileen Kott, Family Independence Manager, and Asmahan Nagi, Eligibility Specialist, appeared for the Department. The Department did not have any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 26-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) assistance?

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] 2018, Petitioner applied for assistance from the Department, including FIP assistance.
2. On July 10, 2018, the Department issued a Verification of Student Information (DHS-3380) to Petitioner with instructions to complete it and return it to the Department. The form did not have a due date listed on it. Exhibit A, p. 16-17.

3. On July 13, 2018, Petitioner received the Department's Verification of Student Information (DHS-3380). Petitioner did not know how she was going to get it completed since school was closed for the summer. Petitioner called the Department and left a voicemail, but she did not receive a return call.
4. On July 20, 2018, Petitioner returned a form (other than the DHS-3380) to the Department.
5. On July 23, 2018, the Department issued a Notice of Case Action which notified Petitioner that her request for FIP assistance had been denied for failure to return the completed Verification of Student Information (DHS-3380).
6. On July 24, 2018, Petitioner spoke to the Department and learned that she could provide a report card in lieu of the completed Verification of Student Information (DHS-3380). Petitioner uploaded a report card the same day.
7. On [REDACTED] Petitioner filed a hearing a request to dispute the Department's decision to deny her request for FIP assistance.

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.

Dependent children are expected to attend school full-time. BEM 245 (January 1, 2018), p. 1. The Department verifies school enrollment of dependent children at application and redetermination. BEM 245, p. 10. Verification may be obtained through a Verification of Student Information (DHS-3380). BEM 245, p. 11. To obtain verification, the Department must tell the client what verification is required, how to obtain it, and the due date. BAM 130 (April 1, 2017), p. 3. The Department must provide assistance obtaining verification when requested by a client. BAM 130, p. 3.

In this case, the Department sent a Verification of Student Information (DHS-3380) form to Petitioner and it did not contain a due date. Additionally, Petitioner called the Department to get assistance obtaining the verification and the Department did not assist her. Since the Department did not tell Petitioner the due date on the Verification of Student Information (DHS-3380) form and since the Department did not provide

assistance obtaining verification when requested, the Department acted contrary to its policies. Therefore, the Department's decision must be reversed.


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 did not act in accordance with its policies and the applicable law when it issued its July 23, 2018, Notice of Case Action which denied Petitioner's request for FIP assistance.

IT IS ORDERED the Department's decision is **REVERSED**.

IT IS FURTHER ORDERED the Department shall initiate a review of Petitioner's request for FIP assistance.

JK/nr



Jeffrey Kemm
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 76 County DHHS- via electronic
mail

BSC4- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

[REDACTED]
MI