



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: August 29, 2019  
MOAHR Docket No.: 19-007695  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler**

**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 August 28, 2019, from Detroit, Michigan. The Petitioner was self-represented and had her daughter ██████████ appear as a witness. The Department of Health and Human Services (Department) was represented by ██████████ Hearings Facilitator. Translation services were provided by ██████████, a Department employee.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits based upon a failure to verify requested information?

**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 May 14, 2019, the Department issued a Verification Checklist (VCL) to Petitioner requesting proof of Petitioner's checking account, wages for ██████████ and Petitioner's savings account by May 24, 2019.
2. On May 21, 2019, the Department received a ██████████ account statement for Ms. ██████████ and a statement from ██████████.
3. On May 30, 2019, the Department issued a Notice of Case Action to Petitioner informing her that her FIP case was closed effective May 1, 2019 for failure to

provide requested verifications of checking and savings accounts for Petitioner and also disqualified Petitioner from participation in the FIP group because she is a Supplemental Security Income (SSI) recipient.

4. In reality, Petitioner's FIP benefit was reduced as of May 1, 2019 after removal of Petitioner from the group because she is an SSI recipient and then the benefit closed as of July 1, 2019 for the entire group.
5. Petitioner agrees that the FIP benefit closed as of July 1, 2019.
6. On July 18, 2019, the Department received Petitioner's request for hearing disputing the closure of her FIP case.

### **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 disputed the closure of her FIP case. The Department says it was closed because Petitioner failed to provide requested verifications. Petitioner says it closed for no apparent reason and her belief is based upon something an unidentified interpreter told her. Since the Department has provided a Notice of Case Action explaining the closure of Petitioner's FIP case during the relevant period, this decision will proceed based upon the reasons listed in that Notice of Case Action and as stated by the Department.

The Department is required to verify certain information from clients at application, redetermination, and for reported changes. BAM 130 (April 2017), p. 1. Clients are provided ten calendar days to provide the requested information. BAM 130, p. 7. Negative action notices are sent to the client when the client indicates a refusal to provide a verification or when the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* Assets are considered in FIP cases to determine eligibility. BEM 400 (July 2019), p. 1. However, SSI recipients are not considered part of the Eligibility Determination Group and their income, assets, and needs are not considered in determining FIP eligibility. BEM 210 (April 2019), p. 8. Petitioner is an SSI recipient as noted by the Department's Notice of Case Action disqualifying her from the FIP group effective May 1, 2019. Therefore, the Department's

request to verify Petitioner's bank accounts was not in accordance with Department policy because she should have been classified as an "Other Adult." *Id.*

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 closed Petitioner's FIP case based upon her failure to verify her bank accounts.

**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. Reinstate Petitioner's FIP benefits effective July 1, 2019;
2. Issue supplements to Petitioner or on her behalf for benefits not previously received for the FIP group.

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**Amanda M. T. Marler**

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**

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

**Petitioner**

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

**cc:**

[REDACTED]  
[REDACTED]