



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: August 28, 2019
MOAHR Docket No.: 19-007947
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 26, 2019, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) applications for 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 July 5, 2019, Petitioner submitted a FIP application.
2. On the same day, the Department issued a Verification Checklist (VCL) to Petitioner requesting proof of the following items by July 15, 2019:
 - a. School Attendance for Petitioner's three children
 - b. Income tax refund
 - c. Vendor Pre-Paid Debit Card
 - d. Checking Account

- e. Residential Address
 - f. Employment Services
 - g. Relationship between Petitioner and the children in the home
3. On July 16, 2019, the Department issued a Notice of Case Action to Petitioner informing her that her FIP application had been denied effective August 1, 2019 for failure to verify employment services, residential address, vendor prepaid debit card, and relationships.
 4. On July 25, 2019, the Department received Petitioner's request for hearing disputing the Department's denial of her FIP and FAP applications.
 5. At the hearing on August 27, 2019, Petitioner requested to withdraw her request for hearing as it related solely to the issue of the FAP.

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).

Family Independence Program (FIP)

The 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 disputes the Department's decision to deny her FIP application based upon her failure to verify requested information. The Department is required to verify certain items at application, redetermination, and when there is a reported change. BAM 130 (April 2017), p. 1. In the FIP, the Department is required to provide the client with ten calendar days to provide any requested verifications. BAM 130, p. 7. Negative action notices are sent when the client indicates a refusal to provide the verification or when the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* If the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the specialist may grant an extension to the VCL due date for FIP cases. *Id.*

The Department sought verification of Petitioner's children's school attendance, relationship between those in the home, income tax refund, vendor pre-paid debit card, checking account, residential address, and employment services. Each of these

requests was made in accordance with Department policy. BEM 245 (January 2018), p. 1; BEM 210 (April 2019), p. 1; BEM 500 (July 2017), p. 1; BEM 503 (April 2019), p. 34; BEM 501 (July 2019), p. 6; BEM 400 (July 2019), pp. 1, 18; BEM 230A (July 2018), pp. 21-24; BEM 220 (April 2018), p. 1.

At the hearing, the parties agreed that Petitioner submitted verification of school attendance, checking account, tax refund, relationships, and one vendor pre-paid debit card that was not identified on the application or in the interview. The items which remain in dispute include Petitioner's employment services verification and a vendor pre-paid debit card called [REDACTED] which was identified during an interview with the Petitioner. Petitioner admits that she did not submit proof of the [REDACTED] debit card until the pre-hearing conference and that she did not submit her Medical Needs Form for verification of employment services or deferral until July 25, 2019. No evidence was presented that Petitioner sought an extension of time to provide the employment services/deferral verification or the vendor pre-paid debit card for [REDACTED]. While the VCL does not specifically identify the [REDACTED] card on the request, the Department was unaware that there was more than one vendor pre-paid debit card in question and Petitioner had only identified the [REDACTED] card during her interview. Since it was the only card identified in the interview, Petitioner was on notice that the [REDACTED] card was needed for verifications. Therefore, since there was no evidence of a request for an extension and because Petitioner submitted the Medical Needs Form and the [REDACTED] card after the due date, the Department properly denied Petitioner's application for FIP.

Food Assistance Program (FAP)

The FAP [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

At the hearing, Petitioner requested to withdraw her hearing request as it related to the FAP because her concerns had been resolved and her benefits reinstated. The Department had no objection to Petitioner's request to withdraw. Having found good cause, Petitioner's request for hearing as it relates to the FAP is withdrawn and DISMISSED.

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 application for FIP.

DECISION AND ORDER

Petitioner's request for hearing as it relates to the **FAP** is **DISMISSED**.

The Department's decision is **AFFIRMED** with respect to the **FIP**.



AM/tm

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]
[REDACTED]