



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], MI [REDACTED]

Date Mailed: January 10, 2020
MOAHR Docket No.: 19-011819
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 December 12, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Mark Boyd, Family Independence Manager (FIM).

ISSUE

Did the Department properly determine Petitioner's eligibility for 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. Petitioner was a recipient of FIP benefits.
2. On September 10, 2019, the Department Caseworker sent Petitioner a Verification Checklist, DHS-3503, and Verification of Student Information, DHS-3380, that was due by September 20, 2019, to provide verification of Petitioner's child's attendance in school. Department Exhibit 1, pgs. 8-12.
3. On October 23, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, that her FIP was denied from October 1, 2019, ongoing for failure to verify school attendance. Department Exhibit 1, pgs. 6-7.

4. On October 28, 2019, 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 had been participating in the Family Independence Program (FIP). The Department required her to provide written proof that her child was still attending school by September 20, 2019. The required verification was not received by the due date September 20, 2019. As a result, the Department Caseworker closed Petitioner's FIP case on October 23, 2019, effective October 1, 2019. BEM 245.

During the hearing, Petitioner testified that the school had faxed the verification on October 3, 2019, and September 19, 2019. She brought in a hard copy on November 18, 2019, after the Department still had not received the fax from the school, but after the case closed on October 23, 2019. The FIM confirmed that the only written school verification that they received was on November 18, 2019, after the case closed. Petitioner submitted written documentation that the school faxed the verification on October 3, 2019. Petitioner Exhibit 1, pgs. a-g. However, the FIM confirmed that the fax number was incorrect, which is why the Department Caseworker never received the fax verification.

This Administrative Law Judge finds that this was a mix up with the fax verifications. I looked at the fax confirmation and it was difficult to read the numbers but by using a microscope it was discovered it listed the correct fax number of 517-346-9888 with the case number for Petitioner on the cover letter. As a result, the Department Caseworker should have received the written verification required to determine FIP continued eligibility. In the future, Petitioner would be best served by being more proactive with verifications to make sure that they are received by the due date, which may mean her physically taking them to the local office to prevent her case from closing. Petitioner should not have waited until November 18, 2019, to bring in a copy of the faxed verifications.

DECISION AND ORDER

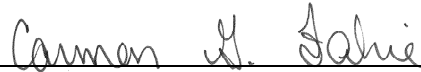
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FIP case for failure to provide school attendance verification.

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. Initiate a redetermination of Petitioner's eligibility for FIP retroactive to October 1, 2019, using the submitted school attendance verification submitted by Petitioner on November 18, 2019.
2. Based on policy, the Department should provide Petitioner with written notification of the Department's revised eligibility determination.
3. Issue Petitioner any retroactive benefits she may be eligible to receive, if any.

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

Richard Latimore
4733 Conner
Detroit, MI 48215

Wayne County (District 57), DHHS

BSC4 via electronic mail

B. Cabanaw via electronic mail

G. Vail via electronic mail

Petitioner

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