



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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██████████, MI ██████████

Date Mailed: August 24, 2022
MOAHR Docket No.: 22-002996
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on August 11, 2022 via teleconference. Petitioner appeared and represented herself. Valarie Foley, Hearings Facilitator, represented the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's application for Family Independence Program (FIP)/cash 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 ██████████, 2022, Petitioner applied for FIP, providing MDHHS with a home address on ██████████ (Current Address).
2. On May 23, 2022, MDHHS sent Petitioner a Verification Checklist (VCL) requesting documentation verifying the school attendance of Petitioner's minor children (Exhibit A, p. 10). The VCL was sent to an address on ██████████ (Former Address), which was Petitioner's former address (Exhibit A, p. 10). The VCL stated that proofs were due by June 2, 2022 (Exhibit A, p. 10).
3. On June 13, 2022, MDHHS received the requested verifications (Exhibit A, p. 1).
4. On June 13, 2022, MDHHS sent Petitioner a Notice of Case Action stating that her application for FIP was denied, effective June 16, 2022 ongoing (Exhibit A, p. 5).

The reason given for the denial was that Petitioner failed to return verification of school attendance for her minor children (Exhibit A, p. 6).

5. On [REDACTED], 2022, Petitioner requested a hearing to dispute MDHHS' denial of her application for FIP (Exhibit A, pp. 3-4).

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. MDHHS 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, MDHHS denied Petitioner's application for FIP because Petitioner failed to return the requested verifications regarding her minor children's school attendance status by the deadline listed on the VCL. Petitioner disputed this action and testified at the hearing that she received the VCL late because MDHHS sent it to her Former Address. The VCL was delayed because it was forwarded to her Current Address, and thus, Petitioner received it ten days late. Petitioner testified that as soon as she received the VCL, she acted quickly to comply with MDHHS' request and provided documentation from her child's school (Exhibit A, p. 9). MDHHS stated that it received the requested verifications from Petitioner on June 13, 2022 (Exhibit A, p. 1).

MDHHS must request verification when required by policy or when information regarding an eligibility factor is unclear, inconsistent or contradictory. BAM 130 (January 2021), p. 1. When MDHHS determines that verification is necessary, it must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. MDHHS uses a VCL to request verification. *Id.* Verifications are considered timely if they are received by the date that they are due and MDHHS must allow the client at least ten calendar days to provide the verification requested. *Id.*, p. 7.

Here, Petitioner credibly testified that she was unable to provide the verification by the deadline on the VCL because MDHHS sent the VCL to her Former Address, which caused a delay. Petitioner testified that she provided MDHHS with her Current Address when she applied for FIP and that she reported a change in address to MDHHS previously. MDHHS did not dispute Petitioner's testimony. The record shows that MDHHS sent the VCL to the Former Address. MDHHS is required to give clients proper notice of what verifications are required. MDHHS failed to do so here because it sent

the VCL to the wrong address. Petitioner was unable to meet the deadline on the VCL through no fault of her own.

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 MDHHS did not act in accordance with Department policy when it denied Petitioner's request for FIP based on her failure to provide the requested verifications in a timely manner.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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 [REDACTED], 2022 FIP application;
2. Determine Petitioner's eligibility for FIP from the date of application ongoing;
3. If Petitioner is eligible for FIP, issue supplements for any FIP benefits that she was entitled to receive but did not, from the date of application ongoing; and
4. Notify Petitioner of its decision in writing.



Linda Jordan
Administrative Law Judge

LJ/tm

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

Via-Electronic Mail :

DHHS
Susan Noel
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26355 Michigan Ave
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**MDHHS-Wayne-19-
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Interested Parties
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Via-First Class Mail :

Petitioner
[REDACTED]
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