



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: December 22, 2022  
MOAHR Docket No.: 22-005008  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Colleen Lack**

### **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 November 23, 2022, from Lansing, Michigan. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-27.

### **ISSUE**

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) 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 [REDACTED] 2022, Petitioner applied for FIP. (Exhibit A, pp. 7-13)
2. On September 21, 2022, a Verification Checklist was issued to Petitioner requesting verification of school attendance for Petitioner's children and residential address for Petitioner with a due date of October 3, 2022. (Exhibit A, pp. 14-22)
3. On October 4, 2022, Petitioner submitted a Semi-Annual Contact report for Food Assistance program (FAP) benefits. (Exhibit A, p. 23)
4. On [REDACTED] 2022, Petitioner applied for State Emergency Relief (SER). (Exhibit A, p. 23)

5. On October 6, 2022, Petitioner submitted utility bills to the Department. (Exhibit A, p. 23)
6. On October 10, 2022, a Notice of Case Action was issued to Petitioner denying the FIP application based on a failure to provide requested verifications. (Exhibit A, pp. 24-27)
7. On October 18, 2022, Petitioner filed a hearing request contesting the Department's determination. (Exhibit A, pp. 3-6)

### **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 general, verification is to be obtained when: required by policy; required as a local office option; and when information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application and at redetermination as well as for a reported change affecting eligibility or benefit level. The Department must tell the client what verification is required, how to obtain it, and the due date. The client must obtain required verification, but the Department must assist if the client needs and requests help. If neither the client nor the Department can obtain verification despite a reasonable effort, the Department should use the best available information. If no evidence is available, the Department is to use their best judgment. BAM 130, January 1, 2022, pp. 1-3.

For FIP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Verifications are considered timely if received by the date they are due. 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. The Department is to send a negative action notice when the client indicates refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130, p. 7.

On [REDACTED] 2022, Petitioner applied for FIP listing herself and three children, K.H., A.H., and D.H. (Exhibit A, pp. 7-13)

On September 21, 2022, a Verification Checklist was issued to Petitioner requesting verification of school attendance for Petitioner's children K.H., D.H., and A.H., as well as verification of residential address for Petitioner with a due date of October 3, 2022. The Verification Checklist listed examples of acceptable verifications. Regarding residential address, a utility bill was included in the list. Regarding school attendance, the list included: SM-4325 Nonpublic School Membership Report; home school curriculum; and DHS-3380 Verification of School Enrollment. Blank DHS-3380 forms were included for the three listed children. (Exhibit A, pp. 14-22)

On October 4, 2022, Petitioner submitted a Semi-Annual Contact report for Food Assistance program (FAP) benefits. (Exhibit A, p. 23)

On [REDACTED] 2022, Petitioner applied for State Emergency Relief (SER). (Exhibit A, p. 23) On [REDACTED] 2022, Petitioner submitted utility bills to the Department. (Exhibit A, p. 23) The utility bills were an acceptable verification of residential address.

The electronic case file indicates Petitioner did not provide any documentation in response to the Department's request for verification of her children's school attendance. (Exhibit A, p. 23) Accordingly, on October 10, 2022, a Notice of Case Action was issued to Petitioner denying the FIP application based on a failure to provide requested verifications. It is noted that a fourth child, I.H. was included as a child that requested verification was not returned for. (Exhibit A, pp. 24-27) Based on the evidence presented, there had not been a proper request for verification of school attendance for I.H. at the time the October 10, 2022 Notice of Case Action was issued.

Petitioner testified that she had everything turned in to the Department on September 27, 2022 and indicated there had been a due date of September 28, 2022. Petitioner just started working, so she had signed everything on September 26, 2022 and had someone drop it off in the drop box for her on September 27, 2022. They called Petitioner on facetime while they were turning it in. Petitioner indicated that her daughter I.H. was added to the case after she applied for SER for assistance with the light bill. Petitioner was told she needed to add more school papers for I.H. when she was added to the case. Petitioner testified that daughter I.H. did not come into the home until October 4, 2022. Petitioner stated she never applied for FIP for I.H., and this child was not added to her FAP case. Petitioner indicated the SER was approved for her light bill but then Petitioner was denied for everything else. After that, Petitioner was told to have the paperwork in by October 10, 2022. Petitioner asserted that the Department sent the needed form to the school on the 10<sup>th</sup>, but did not send it to her. The school received the forms by email around 2:30 pm on the date it was due, which did not allow enough time for the school to complete it. Petitioner indicated she had provided everything requested to the Department and also emailed everything to her worker after the fact on October 11, 2022. Petitioner spoke with the caseworker several times in the beginning of October. (Petitioner Testimony)

The Hearing Facilitator testified that every other hour the drop box at the local office is checked and any documentation submitted is scanned in and indexed to the client's case file. The Hearing Facilitator had checked with Petitioner's worker, and no emails

with attached documentation were found from Petitioner. Further, the Department workers are not allowed to accept documentation sent to their individual email addresses. Documentation can be electronically submitted by the client uploading it to their Mi Bridges account or emailed to a drop box email address. (Hearing Facilitator Testimony)

In this case, the Department followed the above cited BAM 130 policy by sending Petitioner a Verification Checklist notifying her what verifications were required, how to obtain them, and the due date. The due date for the September 21, 2022, Verification Checklist was October 3, 2022. Petitioner testified that she had verifications dropped off at the local office on September 27, 2022 for a September 28, 2022 due date. The evidence indicates Petitioner had applications/and or open cases for other benefit programs with the Department. Accordingly, it appears that if there was a Verification Checklist issued with a September 28, 2022 due date, it may have been for another program. However, the electronic case file does not show that the Department received any documentation from Petitioner on September 27, 2022. For the September 21, 2022, Verification Checklist with the October 3, 2022 due date, the Department requested verification of school attendance for Petitioner's children K.H., D.H., and A.H., as well as verification of residential address for Petitioner with a due date. When the denial notice was issued on October 10, 2022, the Department had received utility bills, which are an acceptable verification of residential address. However, there is insufficient evidence to establish that Petitioner provided the requested verification of school attendance for her children K.H., D.H., and A.H. Accordingly, the denial of Petitioner's application for FIP must be upheld.

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**

Accordingly, the Department's decision is **AFFIRMED**.

CL/ml

  
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Colleen Lack  
Administrative Law Judge

**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**  
Amber Gibson  
Ingham County DHHS  
5303 South Cedar  
Lansing, MI 48911  
**MDHHS-Ingham-  
Hearings@michigan.gov**

**Interested Parties**  
BSC2  
B Sanborn  
MOAHR

**Via First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]