



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
MI [REDACTED]

Date Mailed: April 21, 2023  
MOAHR Docket No.: 23-000728  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

**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 March 22, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

**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 or around [REDACTED] 2022, Petitioner submitted an application requesting FIP benefits.
2. In connection with the application, on January 23, 2023, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her child's school attendance by February 2, 2023.
3. The Department asserted that it did not receive the requested verifications by the due date and that no request for extension to submit the verifications was made by Petitioner.
4. On February 3, 2023, the Department sent Petitioner a Notice of Case Action advising her that her application for cash assistance under the FIP was denied because she failed to submit verification of school attendance. (Exhibit A, pp. 4-7)

5. On or around February 8, 2023, August 9, 2022, Petitioner requested a hearing disputing the Department's actions.

### **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).

As a preliminary matter, at the hearing, Petitioner asserted that she also disputed the Department's actions with respect to the State Emergency Relief (SER) program. A review of Petitioner's hearing request shows that she did not clearly identify SER as a program in dispute. As a result, the Department did not address SER in the Hearing Summary and proposed evidence packet submitted in connection with this matter and only addressed the FIP application. Petitioner was advised that should she dispute the Department's actions with respect to the SER program, she was entitled to submit a new hearing request to have that issue addressed by an Administrative Law Judge. See BAM 600.

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 Department's denial of her [REDACTED] 2022, FIP application. FIP is a cash assistance program designed to help individuals and families become self-sufficient. Cash assistance is available to eligibility determination groups (EDG) who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefits amounts. In order to evaluate FIP eligibility, a FIP EDG must exist, based on the FIP group composition rules in BEM 210. BEM 209 (January 2022), pp. 1-5. To be eligible for FIP benefits, the group must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker; and the group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996, or any other time limits in the FIP; see BEM 234. A dependent child is an unemancipated child who lives with a caretaker and is one of the following: under age 18, and/or age 18 and a full-time high school student. Living together means sharing a home where family members usually sleep except for temporary absences. BEM 210 (July 2021), pp. 1-3. Dependent children are expected to be enrolled in and attending attend school full-time as a condition of the household receiving FIP benefits. The Department will verify school attendance in accordance with the criteria outlined in BEM 245. See BEM 245 (April 2021).

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FIP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be 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 Department may grant an extension to the VCL due date. BAM 130, pp. 7-8. The Department sends a negative action notice when the client indicates a 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, pp. 7-8.

At the hearing, the Department representative testified that because it did not receive the requested verification of school attendance for Petitioner's child by the February 2, 2023, due date reflected on the VCL, it initiated the denial of Petitioner's FIP application by issuing the Notice of Case Action dated February 3, 2023. The Department representative testified that because Petitioner's child was in 10<sup>th</sup> grade, it was required to verify that he was attending school as outlined in BEM 245. There was no evidence that Petitioner requested an extension or additional time to submit the requested verification. Petitioner testified that she did not receive the VCL. While Petitioner asserted that at some point in January 2023, she changed her mailing address from a PO Box to her home address, there was no evidence that the VCL was returned to the Department as undeliverable and a review of the VCL shows that it was sent to Petitioner's confirmed home address.

Therefore, because there was no evidence that Petitioner submitted the requested verification of school attendance by the due date identified on the VCL, 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 FIP application. Petitioner is advised that she is entitled to submit a new application for FIP benefits and her eligibility will be determined.

**DECISION AND ORDER**

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

ZB/ml



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**Zainab A. Baydoun**  
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**  
Susan Noel  
Wayne-Inkster-DHHS  
26355 Michigan Ave  
Inkster, MI 48141  
**MDHHS-Wayne-19-  
Hearings@michigan.gov**

**Interested Parties**  
BSC4  
B Sanborn  
MOAHR

**Via First Class Mail :**

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