



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: April 19, 2023
MOAHR Docket No.: 23-001576
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 April 13, 2023 via teleconference. Petitioner appeared and represented by herself. A. Frazier, Family Independence Specialist, appeared on behalf of 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 December 27, 2022, Petitioner filed an application for various benefit programs, including FIP/cash assistance (Exhibit A, p. 6).
2. On February 8, 2023, MDHHS sent Petitioner a Verification Checklist (VCL), which requested proof of her pregnancy and due date, earned income and employment information, and residential address (Exhibit A, pp. 17-18). The VCL indicated that the proofs were due to MDHHS by February 21, 2023 (Exhibit A, p. 17).
3. On February 27, 2023, MDHHS sent Petitioner a Notice of Case Action denying Petitioner for FIP/cash benefits, effective January 16, 2023 ongoing (Exhibit A, p. 28). The reasons for the denial were that Petitioner refused or quit a job or reduced

hours without good cause, and Petitioner failed to provide the requested information by the deadline (Exhibit A, p. 29).

4. On March 16, 2023, Petitioner requested a hearing regarding the denial of her FIP application (Exhibit A, p. 3).

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 for an alleged failure to provide the requested verifications regarding her living situation and pregnancy due date.

MDHHS must request verification when required by policy or when information regarding an eligibility factor is unclear, inconsistent or contradictory. BAM 130 (January 2022), 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. For FIP, 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. *Id.* MDHHS sends a negative action notice when the client indicates a refusal to provide a verification, or the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.* For FIP, pregnancy must be verified. *Id.*, p. 4.

Here, MDHHS testified that Petitioner provided insufficient proof of her pregnancy due date and her residential address. The record reflects that Petitioner provided MDHHS with a letter from a doctor stating that she was pregnant (Exhibit A, p. 32), and several documents related to her housing situation (Exhibit A, pp. 23-24, 26). MDHHS testified that these documents were insufficient because the letter from the doctor did not include a due date and the documents regarding her housing situation did not include the residential address that she listed on the application.

Petitioner testified that she was trying to comply with MDHHS' requests, but she was having technical difficulties with her MI Bridges account (MDHHS' client-facing case management portal). She further testified that she called MDHHS several times to resolve the issue and to ask her worker about what specific documents were still needed but struggled to reach a representative and to obtain useful information about her case. Petitioner's testimony was credible and unrebutted.

Based on the documents that Petitioner submitted to MDHHS and Petitioner's testimony, the record shows that she was making a reasonable effort to comply with MDHHS' requests for information. Her efforts were hindered by her inability to use MI Bridges and to reach a worker who could help her. Thus, MDHHS failed to provide Petitioner with adequate assistance, contrary to Department policy.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application.

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 December 27, 2022 FIP application;
1. Determine Petitioner's eligibility for FIP from the date of application ongoing;
2. 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
3. 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
Denise McCoggle
Wayne-Greydale-DHHS
27260 Plymouth Rd
Redford, MI 48239
**MDHHS-Wayne-15-Greydale-
Hearings@michigan.gov**

Interested Parties
B. Sanborn
BSC4

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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