



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: October 27, 2023
MOAHR Docket No.: 23-005276
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 September 28, 2023, from Lansing, Michigan. Crystal Rodgers, the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Lori Turner, Eligibility Specialist (ES).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-47.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefit case?

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 July [REDACTED] 2023, Petitioner submitted an Assistance Application for FIP. Petitioner reported 5 daughters and 2 sons in the home (GAR, DDR, JBR, AKR, DBR, JLR, and JJM). Petitioner reported five children were in school at the time, JBR, AKR, DBR, JLR, and JJM. (Exhibit A, pp. 17-25)
2. On July [REDACTED] 2023, a Verification Checklist was issued to Petitioner requesting verification of school attendance for AKR, JBR, JJM, DBR, and JLR, as well as verification of loss of employment for Petitioner, with a due date of July 27, 2023. A

Quick Note and Verification of Student Information forms were also issued. (Exhibit A, pp. 26-39)

3. On July █ 2023, Petitioner submitted verification of student information forms that were not completed. Petitioner signed the blank forms and noted that the school was not open. (Exhibit A, pp. 30-39)
4. On August █ 2023, Petitioner submitted screen shots of report cards for JLR, DBR, and JJM showing grades, but no attendance information. (Exhibit A, pp. 40-42)
5. On August █ 2023, Petitioner submitted photographs of report cards printed November █ 2022 for AKR and JBR, and report cards of the the third trimester of the 2022-2023 school year for JJM and JLR. (Exhibit A, pp. 43-47)
6. On August █ 2023, a Notice of Case Action was issued stating that FIP benefits would close effective August 1, 2023 based on not providing proof of information the Department asked for. (Exhibit A, pp. 4-13)
7. On August █ 2023, Petitioner filed a hearing request contesting the Department's determination to close her FIP benefit case. (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. 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 information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. Verification is usually required at application/redetermination and 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, 2023, pp. 1-4.

The Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. The Department is to send a case 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. For FIP, 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. BAM 130, p. 7.

In this case, the evidence does not establish that Petitioner provided all of the requested verifications.

On July █ 2023, Petitioner submitted an Assistance Application for FIP. Petitioner reported 5 daughters and 2 sons in the home (GAR, DDR, JBR, AKR, DBR, JLR, and JJM). Petitioner reported five children were in school at the time, JBR, AKR, DBR, JLR, and JJM. (Exhibit A, pp. 17-25).

On July █ 2023, a Verification Checklist was issued to Petitioner requesting verification of school attendance for AKR, JBR, JJM, DBR, and JLR, as well as verification of loss of employment for Petitioner, with a due date of July 27, 2023. A Quick Note and Verification of Student Information forms were also issued. (Exhibit A, pp. 26-39).

On July █ 2023, Petitioner submitted verification of student information forms that were not completed. Petitioner signed the blank forms and noted that the school was not open. (Exhibit A, pp. 30-39). This was submitted after the July 27, 2023 due date and did not verify school attendance for any of the children.

On August 2, 2023, Petitioner submitted screen shots of report cards for JLR, DBR, and JJM showing grades, but no attendance information. (Exhibit A, pp. 40-42). These were submitted after the July 27, 2023 due date and did not verify school attendance.

On August █ 2023, Petitioner submitted photographs of report cards printed November █ 2022 for AKR and JBR, and report cards of the third trimester of the 2022-2023 school year for JJM and JLR. (Exhibit A, pp. 43-47). These were submitted after the July 27, 2023 due date and did not verify school attendance as of the most recent semester for AKR and JBR.

On August █ 2023, a Notice of Case Action was issued stating that FIP benefits would close effective August 1, 2023 based on not providing proof of information the Department asked for. (Exhibit A, pp. 4-13).

Petitioner noted that when the Department sent the verification request, the schools were already closed for the summer break so she could not get the schools to complete the forms. (Petitioner Testimony). It is understood that the schools were closed for the summer break. However, alternative documentation could have been provided, such as report cards with school attendance information as of the most recent semester. While Petitioner provided report cards, some did not show any attendance information and others were not from the most recent semester. Accordingly, Petitioner did not provide

acceptable school attendance verification for all five children as requested. It appears that acceptable school attendance verification was only provided for JJM and JLR. Acceptable school attendance verification was not submitted for the other three children.

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 closed Petitioner's FIP benefit case.

DECISION AND ORDER

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

CL/dm



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
Tara Roland 82-17
Wayne-Greenfield/Joy-DHHS
MDHHS-Wayne-17-
hearings@michigan.gov

SanbornB

BSC4HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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