



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. [REDACTED] DPA  
ACTING DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: January 9, 2024  
MOAHR Docket No.: 23-008007  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

### **HEARING DECISION**

On October 30, 2023, Petitioner, [REDACTED] requested a hearing to dispute a Family Independence Program (FIP) denial. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on January 4, 2024. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Amber Gibson, Hearing Facilitator, appear as its representative. Neither party had any additional witnesses.

Two exhibits were admitted into evidence during the hearing. A 30-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A, and a 6-page packet of documents provided by Petitioner was admitted collectively as Petitioner's Exhibit 1.

### **ISSUE**

Did the Department properly deny Petitioner's request for FIP?

### **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] 2023, Petitioner applied to receive FIP from the Department.
2. On September 22, 2023, Petitioner emailed documents to the Department to verify the student status of her children. The Department received the documents, but the Department was unable to use the documents as verification.

3. On October 6, 2023, the Department mailed a notice of case action to Petitioner to notify her that her application for FIP was denied because she did not provide verification of school attendance for her children.
4. After the Department mailed the October 6, 2023, notice of case action, the Department discovered that it erroneously failed to mail the appropriate verification forms to Petitioner before it denied her application for FIP. The Department then reopened the application and initiated the process to issue the appropriate verification forms to Petitioner.
5. On November 14, 2023, the Department mailed and emailed a verification checklist, verification of student status forms, and a medical needs form to Petitioner. The verification checklist instructed Petitioner to provide proof of school attendance for all children under age 18 and a completed medical needs form (DHS-54-A). The verification checklist instructed Petitioner to provide these documents to the Department by November 27, 2023. The verification checklist stated in bold, "you must get the proofs to MDHHS or call by the due date below. If you do not, your benefits may be denied or cancelled." The student status forms were included for [REDACTED] [REDACTED] and [REDACTED]. However, the form for [REDACTED] contained the incorrect birthdate for the student.
6. Petitioner received the verification checklist, verification of student status forms, and the medical needs form, but Petitioner did not realize it because the email went to her junk folder. The documents were also mailed to Petitioner, and Petitioner received them in the mail, but Petitioner asserted that she received them late.
7. Petitioner did not return the completed forms to the Department by November 27, 2023, as instructed.
8. On December 7, 2023, the Department denied Petitioner's application for FIP because the Department did not receive the completed forms by November 27, 2023, as instructed.
9. Petitioner is disputing the Department's decision to deny her application for FIP.

### **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 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.

Petitioner is disputing the Department's decision to deny her application for FIP. The Department denied Petitioner's application for FIP because the Department did not receive satisfactory proof of school attendance for the children.

Dependent children are expected to attend school full-time, and graduate from high school or a high school equivalency program, in order to enhance their potential to obtain future employment leading to self-sufficiency. BEM 245 (July 1, 2023), p. 1. Dependent children ages 6 through 17 must attend school full-time. *Id.* The Department is required to verify school enrollment for each child beginning at age 7 when an application for FIP is received. *Id.* at p. 11. Acceptable verification includes a completed DHS-3380 verification of student information form, verification of the organized educational program used for home schooling, telephone contact with the school, and other acceptable documentation that is on official business letterhead. *Id.* at p. 11-12.

The Department is required to request verification when required by policy. BAM 130 (October 1, 2023), p. 1. The Department requested verification of school attendance for the children because the verification was required by policy. When verification is requested, the client is required to obtain the verification and return it to the Department by the due date. BAM 130 at 3. The Department must give the client 10 days to return the verification. *Id.* at 7. The Department must send a negative action notice when either the client refuses to provide the verification, or the client has not made a reasonable effort to provide the verification within the time given. *Id.*

Based on the evidence presented, the Department properly denied Petitioner's request for FIP because the Department did not receive documentation from Petitioner that the Department required to determine Petitioner's eligibility for FIP. The Department properly instructed Petitioner to obtain documentation and provide it to the Department, but the Department did not receive acceptable verification from Petitioner, and Petitioner did not present any evidence to establish that she provided the documentation to the Department as instructed.

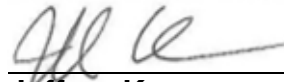
The Department was required to request verification of Petitioner's disability because Petitioner was seeking FIP, and she claimed a disability. When a client seeking FIP claims a disability, the client must provide the Department with verification of the disability when requested. BEM 230A (October 1, 2022), p. 12. However, a client's failure to provide the verification does not result in denial. *Id.* A client's failure to provide the verification results in the client being required to participate in the Partnership Accountability Training Hope (PATH) program as a mandatory participant. *Id.* Thus, Petitioner's failure to provide the Department with a completed medical needs form did not result in her FIP application denial.

**DECISION AND ORDER**

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 did act in accordance with its policies and the applicable law when it denied Petitioner's request for Family Independence Program assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



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**Jeffrey Kemm**  
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]