



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: February 28, 2024
MOAHR Docket No.: 24-000284
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On January 9, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision to deny his application for Family Independence Program (FIP) cash assistance benefits. 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 February 27, 2024. Petitioner appeared at the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Deanna Dean, Eligibility Specialist, and Corlette Brown, Hearings Facilitator.

A 19-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for FIP cash assistance when it determined that Petitioner did not verify school attendance as required?

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] [REDACTED] 2023, Petitioner applied for FIP cash assistance.
2. On December 8, 2023, the Department mailed to Petitioner a Verification Checklist. The form instructed Petitioner to verify the school attendance of Petitioner's child by completing a Nonpublic School Membership Report, Home School Curriculum, or Verification of School Enrollment prior to December 18, 2023.

3. On December 18, 2023, an interview was held with Petitioner wherein he was advised of the documents that were needed to verify school enrollment.
4. On December 18, 2023, Petitioner submitted a report card printed on April 24, 2023; a September 22, 2023, IEP Team Meeting Notice; and an attendance sheet from August 28th through February 23rd. Upon receipt of these documents, Petitioner was advised that the IEP and report card were insufficient, and Petitioner was informed that a current report card was needed.
5. The Department also determined that the dates on the attendance sheet were unclear, so on January 5, 2024, a voicemail message was left for Petitioner advising him that an attendance sheet showing at least 21 days of attendance compliance for the current school year was needed.
6. On January 9, 2024, Petitioner requested a hearing to dispute the Department's denial.

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 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.

In this case, the Department denied Petitioner's request for FIP cash assistance because the Department determined that Petitioner did not verify school attendance as required. Petitioner is disputing the denial.

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 improperly denied Petitioner's request for FIP because no evidence was provided by the Department to establish that Petitioner was given a DHS-3380 verification of student information form or that telephone contact was made with the school. Further, no evidence was provided to establish that the Department advised Petitioner of other acceptable documentation on official business letterhead that could be submitted. In this case, the Department instructed Petitioner that he needed to submit a current report card and a current attendance sheet showing at least 21 days of compliance with attendance for the current school year.

Since the Department was required to advise Petitioner of the acceptable verifications that were required, and since the Department failed to do so, the Department improperly denied Petitioner's request for FIP cash assistance.

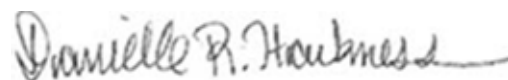
DECISION AND ORDER

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 failed to act in accordance with its policies and the applicable law when it denied Petitioner's request for FIP cash assistance.

IT IS ORDERED the Department's decision is **REVERSED**. The Department shall advise Petitioner of the acceptable verifications to verify school attendance as stated in Department policy and give Petitioner 10 days to return the verification. The Department must then re-process Petitioner's application for FIP cash assistance.

The Department shall begin to implement this decision within 10 days.

DH/nr



Danielle R. Harkness
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
Keisha Koger-Roper
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227
**MDHHS-Wayne-31-Grandmont-
Hearings@Michigan.gov**

Interested Parties
Wayne 31 County DHHS
BSC4
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED], MI [REDACTED]