



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], MI [REDACTED]

Date Mailed: March 7, 2024  
MOAHR Docket No.: 24-001092  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

### **HEARING DECISION**

On January 31, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the denial of her Family Independence Program (FIP) and State Disability Assistance (SDA) application, and the decrease in her Food Assistance Program (FAP) benefits. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 5, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist.

A 17-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

### **ISSUES**

Did the Department properly deny Petitioner's FIP and SDA application for failing to provide verification of her daughter's school attendance?

Did the Department properly determine Petitioner's eligibility for FAP 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 [REDACTED] [REDACTED] 2024, Petitioner applied for FIP and SDA cash assistance. Petitioner was an ongoing FAP recipient at the time relevant to this matter.
2. On January 4, 2024, the Department mailed a Verification Checklist to Petitioner to verify her daughter's child support and RSDI. The Department stated that

Petitioner must submit this verification by January 16, 2024, or her FAP benefits would be closed.

3. On January 8, 2024, the Department mailed a Verification Checklist to Petitioner to verify her daughter's school attendance. The Department stated that Petitioner must submit this verification by January 18, 2024, or her application for cash assistance would be denied, and her FAP benefits would be closed.
4. On January 18, 2024, the Department mailed a Notice of Case Action to Petitioner to notify her that her FAP benefits were decreasing from \$271.00 per month to \$221.00 per month.
5. On February 6, 2024, the Department mailed a Notice of Case Action to Petitioner to notify her that her application for FIP and SDA was denied. The Department representative testified that the denial for FIP and SDA was due to verification of Petitioner's daughter's school attendance not being received.
6. On January 31, 2024, Petitioner requested a hearing to dispute the Department's decision.

### **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).

### **FAMILY INDEPENDENCE PROGRAM**

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.

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 Petitioner's daughter 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.*

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

Based on the evidence presented, the Department improperly denied Petitioner's request for FIP cash assistance 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, Petitioner submitted a screenshot of her daughter's school attendance sheet via email to her worker on January 6, 2024. Petitioner was never advised that this information was insufficient.

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 did not properly deny Petitioner's request for FIP cash assistance.

### **STATE DISABILITY ASSISTANCE PROGRAM**

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

To be eligible for SDA, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261.

As to Petitioner's application for SDA cash assistance, the Department denied Petitioner's application because Petitioner did not verify school attendance as required. See Exhibit A, pg. 1. Failing to verify school attendance is not a basis for a denial of SDA cash assistance and is not in accordance with Department policy. Therefore, the Department did not properly deny Petitioner's request for SDA cash assistance.

## **FOOD ASSISTANCE**

The FAP [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner is disputing the Department's decision to decrease her FAP benefits. Petitioner refuted the Department's determination to decrease her FAP benefits because the Department's determination was unclear as to how her income was calculated.

The Department's Hearing Summary packet included no documentation to show the Department properly calculated Petitioner's budget when making its eligibility determination. Accordingly, the Department failed to meet its burden of going forward and establishing that it properly determined Petitioner's eligibility for FAP benefits.

## **DECISION AND ORDER**

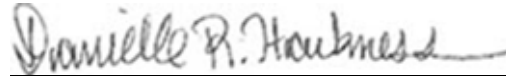
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to establish that it properly denied Petitioner's FIP and SDA application, and improperly determined Petitioner's eligibility for FAP benefits.

IT IS ORDERED that the Department's decision is **REVERSED**.

THE DEPARTMENT 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. Redetermine Petitioner's FIP eligibility as of the application date of [REDACTED] 2024.
2. Redetermine Petitioner's SDA eligibility as of the application date of [REDACTED] 2024.

3. Redetermine Petitioner's eligibility for FAP benefits beginning January 18, 2024. If the Department determines it needs additional information before it can redetermine her eligibility, the Department shall give Petitioner an opportunity to provide the additional information before the Department redetermines her eligibility.



**Danielle R. Harkness**  
Administrative Law Judge

DH/nr

**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  
MDHHS-Wayne-19-  
Hearings@michigan.gov**

**Interested Parties**  
Wayne 19 County DHHS  
BSC4  
M. Holden  
N. Denson-Sogbaka  
B. Cabanaw  
B. Sanborn  
L. Karadsheh  
MOAHR

**Via-First Class Mail :**

**Petitioner**

  
, MI