



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: August 23, 2022
MOAHR Docket No.: 22-003127
Agency No.: ██████████
Petitioner: ██████████

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 August 18, 2020, from Lansing, Michigan. ██████████, the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Tiara Woody, Eligibility Specialist (ES), and Yvette Bishop-Turnbull, Family Independence Manager (FIM).

During the hearing proceeding the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-26.

ISSUE

Did the Department properly deny Petitioner's July 15, 2022 application for Family Independence Program (FIP) cash assistance?

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 ██████████ 2022, the Department received Petitioner's application for FIP. Household members included Petitioner's daughter ██████████ date of birth ██████████, 2022. ██████████ was reported as being in the hospital. (Exhibit A, pp. 4-14)
2. On the ██████████ 2022 FIP application Petitioner reported that she had her baby five weeks early, premature, still in hospital, and she is off on maternity leave until September 1, 2022. (Exhibit A, p. 9)

3. A report from The Work Number, which provided information current as of July 14, 2022, indicated Petitioner's employment status was active, her most recent pay date was July 14, 2022 for a pay period ending July 7, 2022, and Petitioner worked significantly less than her normal hours that pay period. (Exhibit A, pp. 16-18)
4. On July 21, 2022, a Notice of Case Action was issued to Petitioner indicating FIP was denied based on a household member not being compliant with school attendance. (Exhibit A, pp. 22-25)
5. On July 27, 2022, the Department received Petitioner's hearing request contesting the FIP determination. (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. 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, 2022, pp. 1-3.

For FIP, the Department must allow the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. Verifications are considered timely if received by the date they are due. The Department is to send a negative 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. BAM 130, p. 7.

In this case, the Department acknowledges that the reason for the denial indicated on the July 21, 2022 Notice of Case Action was in error. That Notice indicated FIP was

denied based on a household member not being compliant with school attendance. (Exhibit A, pp. 22-25). Rather, the Department asserted that the application should have been denied based on Petitioner having income from employment based on biweekly pay that was verified with The Work Number. (Exhibit A, p. 1; ES Testimony)

However, it appears that the Department did not give Petitioner an opportunity to verify that she was off on an unpaid maternity leave if they believed the report from The Work Number provided unclear, incomplete, or contradictory information to what Petitioner reported on the application.

On [REDACTED] 2022, the Department received Petitioner's application for FIP. Household members included Petitioner's daughter [REDACTED] date of birth [REDACTED] 2022. [REDACTED] was reported as still being in the hospital. (Exhibit A, pp. 4-14) On this application Petitioner specifically reported that she had her baby five weeks early, premature, still in hospital, and she is off on maternity leave until September 1, 2022. (Exhibit A, p. 9)

The report from The Work Number, which provided information current as of July 14, 2022, indicated Petitioner's employment status was active, her most recent pay date was July 14, 2022 for a pay period ending July 7, 2022, and Petitioner worked significantly less than her normal hours that pay period. (Exhibit A, pp. 16-18) This is not wholly inconsistent with Petitioner having a premature baby on [REDACTED] 2022. The Department should have requested further verification from Petitioner to clarify her current employment status as of the date the FIP application was filed, [REDACTED], 2022.

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 not act in accordance with Department policy when it denied Petitioner's [REDACTED] 2022, application for FIP.

DECISION AND ORDER

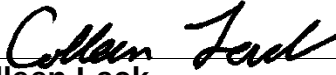
Accordingly, the Department's decision is **REVERSED**.

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. Re-determine eligibility for the [REDACTED] 2022 application for FIP in accordance with Department policy.
2. Issue written notice of the determination in accordance with Department policy.

3. Supplement for lost benefits (if any) that Petitioner was entitled to receive, if otherwise eligible and qualified in accordance with Department policy.

CL/ml



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
Courtney Jenkins
Washtenaw County DHHS
22 Center Street
Ypsilanti, MI 48198
**MDHHS-Washtenaw-
Hearings@michigan.gov**

Interested Parties
BSC4
G. Vail
B. Cabanaw
MOAHR

Via First Class Mail :

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