



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: September 14, 2022
MOAHR Docket No.: 22-003538
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 8, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Juanita Munoz, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) 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 or around [REDACTED], 2022, Petitioner submitted an application requesting FIP benefits.
2. In connection with the application, on July 5, 2022, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of her children's school attendance and relationship by July 15, 2022. (Exhibit B)
3. The Department asserted that it did not receive the requested verifications by the due date.

4. On August 2, 2022, the Department sent Petitioner a Notice of Case Action advising her that her application for cash assistance under the FIP was denied. (Exhibit A, pp. 8-10)
5. On or around August 9, 2022, Petitioner requested a hearing disputing the Department's denial of her FIP application. (Exhibit A, pp. 4-6)

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 this case, Petitioner disputed the Department's denial of her [REDACTED], 2022, FIP application. FIP is a cash assistance program designed to help individuals and families become self-sufficient. Cash assistance is available to eligibility determination groups (EDG) who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefits amounts. In order to evaluate FIP eligibility, a FIP EDG must exist, based on the FIP group composition rules in BEM 210. BEM 209 (January 2022), pp. 1-5. To be eligible for FIP benefits, the group must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker; and the group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996, or any other time limits in the FIP; see BEM 234. A dependent child is an unemancipated child who lives with a caretaker and is one of the following: under age 18, and/or age 18 and a full-time high school student. Living together means sharing a home where family members usually sleep except for temporary absences. BEM 210 (July 2021), pp. 1-3.

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), p.1. To request verification of information, the Department sends a verification checklist (VCL) which tells the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Although the client must obtain the required verification, the Department must assist if a client needs and requests help. If neither the client nor the Department can obtain the verification despite a reasonable effort, the Department is to use the best available information; and if no evidence is available, the Department is to use its best judgment. BAM 130, p. 3.

With respect to FIP cases, clients are given 10 calendar days to provide the verifications requested by the Department. Verifications are considered to be timely if received by the date they are due. 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 to the VCL due date. BAM 130, pp.7-8. The Department sends a negative action notice when the client indicates a 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, pp. 7-8.

At the hearing, the Department representative testified that because it did not receive the requested verification of school attendance and relationship status for Petitioner's two children by the July 15, 2022, due date reflected on the VCL, it initiated the denial of Petitioner's FIP application by issuing the Notice of Case Action dated August 2, 2022. The Department reviewed Petitioner's case in Bridges and testified that the first communication from Petitioner to the Department regarding the FIP application was on August 4, 2022. The Department representative testified that as of the hearing date, it still had not received sufficient verification of school attendance and relationship status. The Department presented a case comments summary showing that on August 4, 2022, a representative from the Department spoke with Petitioner and indicated that although Petitioner reported verbally that she was homeless and has her children, she has not provided the information to verify that she has custody of the children. (Exhibit B).

Petitioner testified that she never received the VCL but was verbally informed that she was required to submit proof of her children's school transcripts when she came to pick up her mail from the Department, as she uses the local office mailing address. Petitioner disputed the Department's testimony and initially testified that she was informed by her caseworker that she could mail in the requested verification of her children's school transcripts, which she indicated she did. Later in the hearing however, Petitioner testified that she emailed her caseworker Ms. Davis on July 26, 2022 and attached a copy of the school transcripts from [REDACTED] [REDACTED]. Petitioner testified that she was working with Ms. McNair and completed the Application Eligibility Period (AEP) in order to receive FIP benefits. She testified that Ms. McNair informed her all of the documents were received.

Although it is noted that any documents submitted to the Department on July 26, 2022, would still be considered untimely as the due date on the VCL was July 15, 2022, the undersigned Administrative Law Judge gave Petitioner the opportunity to submit for review the supporting documentation verifying that she emailed the requested information to her caseworker on July 26, 2022. Petitioner was informed that she could email or fax the documents supporting her testimony to the undersigned and was instructed to submit the documentation immediately following the hearing. Petitioner was further informed that if the documents were received, they would be admitted into the record as Exhibit 1 on her behalf. However, Petitioner failed to submit the supporting documentation and thus, Exhibit 1 was not admitted and will be stricken from the record.

Additionally, Petitioner's testimony as to whether her two children reside with her was conflicting. Petitioner testified that her children are 17 years old and 18 years old and although she is homeless, her children are with her. It was unclear however, because at one point in the hearing Petitioner testified that one of her children resides with a boyfriend and a review of Petitioner's request for hearing indicates that during a certain time, her children were living with friends. Thus, whether a dependent child lives with Petitioner was also questionable.

Upon review, because there was no evidence that Petitioner submitted the requested verification of relationship and school attendance by the due date identified on the VCL and because the evidence was insufficient to show that Petitioner's EDG included a dependent child, 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 denied Petitioner's FIP application. Petitioner is advised that she is entitled to submit a new application for FIP benefits and her eligibility will be determined.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
MDHHS-Wayne-41-
Hearings@michigan.gov

Interested Parties
BSC4
G. Vail
B. Cabanaw
MOAHR

Via First Class Mail :

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