



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
ACTING DIRECTOR

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

Date Mailed: November 7, 2023
MOAHR Docket No.: 23-005606
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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, an in-person hearing was held on November 6, 2023, from Pontiac, Michigan. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Kathleen Hoppers, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was an ongoing FIP recipient.
2. On February 1, 2023, the Department sent Petitioner a Verification Checklist (VCL) requesting verification of Petitioner's relationship with two FIP group members (Exhibit A, pp. 7-9).
3. On June 21, 2023, the Department reissued the February 1, 2023 VCL.

4. On July 25, 2023, the Department sent Petitioner a Notice of Case Action informing her that her FIP benefit case was closing her for her failure to return the requested verifications (Exhibit A, pp. 14-17).
5. On September 8, 2023, Petitioner submitted a request for hearing disputing the Department's actions regarding her FIP and Food Assistance Program (FAP).

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).

FAP

The Food Assistance Program (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.

The hearing was requested to dispute, in part, the Department's action taken with respect to Petitioner's FAP benefits. Shortly after commencement of the hearing, Petitioner testified that she did not wish to proceed with the hearing related to her FAP benefit case. The Request for Hearing was withdrawn. The Department agreed to the dismissal of the hearing request.

Pursuant to the withdrawal of the hearing request filed in this matter, Petitioner's request for hearing related to her FAP benefits is **DISMISSED**.

FIP

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 was an ongoing FIP recipient. In February 2023, the Department requested verification of Petitioner's relationship with two group members, which were Petitioner's two minor children. Subsequent to the issuance of the VCL, the Department received a Birth Registry Inquiry showing that one of Petitioner's two children was verified as her biological child. However, the Department could not verify Petitioner's

second child through the birth registry system. In June 2023, Petitioner requested an extension to provide the verifications. The Department reissued the February 2023 VCL, requesting the verifications. The VCL had a due date from February 2023.

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2021), 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. For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is required. BAM 130, p. 7. Verifications are considered to be timely if received by the date they are due. BAM 130, p. 7. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. BAM 130, p. 7. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a Department representative are considered to be received the next business day. BAM 130, p. 7. 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, p. 7. The relationship must be verified for each dependent child in the FIP group. BEM 210 (July 2021), p. 17. Proper verification sources of FIP relationships include birth certificates, Michigan Birth Registry, adoption records, marriage license/certificate, school records, separation records, divorce records, hospital birth records, Affidavit of Parentage, child support records, court orders, baptismal records, immigration records, any legal document that traces the child's relationship to the parent, stepparent or other qualifying caretaker, or any other government or local agency records, newspaper records, or local histories that specify the relationship. BEM 210, p. 18.

The Department testified that Petitioner submitted vaccination records for her second child. The Department determined that the immunization records were not an acceptable verification source, and closed Petitioner's FIP benefit case. At the hearing, Petitioner testified that she believed the immunization records were an acceptable verification source, as the VCL stated that public health records could be submitted to verify the relationship. Petitioner testified that she does not have a valid birth certificate for her second child, as he is still designated as "baby boy [REDACTED]" on his birth certificate. Petitioner stated that she was not aware that the immunization records were an invalid verification source until the day of the hearing.

The Department did not properly follow policy when it issued the previous VCL to Petitioner, as it did not have the correct due date. Additionally, the Department sends a negative action 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. Petitioner clearly did not indicate a refusal to provide the verification and made a reasonable effort to comply with the requests for verification. Thus, the Department did not act in accordance with policy when it closed Petitioner's FIP benefit case.

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 not act in accordance with Department policy when it closed Petitioner's FIP benefit case.


Accordingly, the Department's decision is **REVERSED** with respect to the FIP benefit case.

Petitioner's request for hearing related to her FAP benefit case is **DISMISSED**.

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 September 1, 2023, ongoing;
2. If Petitioner is eligible for FIP benefits, issue supplements she is entitled to receive; and
3. Notify Petitioner of its FIP decision in writing.

EM/tm



Ellen McLemore
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
Yaita Turner
Oakland County Pontiac-Woodward
Dist.
51111 Woodward Ave 5th Floor
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**MDHHS-Oakland-District-IV-
Hearings@michigan.gov**

Interested Parties

M. Holden
D. Sweeney
B. Sanborn
BSC4

Via-First Class Mail :

Petitioner

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