



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 22, 2024
MOAHR Docket No.: 24-007238
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 21, 2024. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Shyla Coleman, Eligibility Specialist and Hearings 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 February 14, 2024, the Department received Petitioner's application for FIP benefits listing herself and her son as household members.
2. On April 1, 2024, the Department issued a Verification of Student Information form to Petitioner, but no due date was listed on the form.
3. On April 15, 2024, the Department issued a Notice of Case Action to Petitioner informing her that her FIP application had been denied effective March 1, 2024 for failure to verify her residency and provide proof of her son's school enrollment.
4. On April 16, 2024, the Department received the completed Verification of Student Information form. The Department also received an unsigned request for hearing.

5. On June 14, 2024, the Department received a signed request for hearing disputing the denial of her FIP application.

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 disputes the Department's decision to deny her FIP application for failure to verify residency and school enrollment. The Department is required to verify residency, and school enrollment for minor children, at application. BAM 130 (October 2023), p. 1; BEM 220 (January 2023), p. 1; BEM 245 (July 2023), pp. 1, 11. The Department is required to tell the client what verification is required, how to obtain it, and the due date. BAM 130, p. 3. Typically, a VCL is used to complete this task. *Id.* The Department testified that a VCL was issued to Petitioner but failed to provide a copy of the VCL in the exhibits which were admitted into the record. The only document provided was a copy of the Verification of Student Information form mailed to Petitioner on April 1, 2024 and returned completed to the Department on April 16, 2024. This form does not identify a due date. The Department failed to identify a due date in its testimony and simply stated that the completed document was not received until after the Notice of Case Action was issued. Because the Department failed to establish its burden of proof that it complied with policy in identifying a due date for all requested verifications, it did not properly deny Petitioner's FIP application.

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 satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application.

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. Reprocess Petitioner's FIP application dated [REDACTED] 2024;
2. If otherwise eligible, issue supplements to Petitioner for benefits not previously received; and,
3. Notify Petitioner in writing of its decision.

AM/cc



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Wayne-18-Hearings
BSC4-HearingDecisions
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

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MI [REDACTED]