



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]
MI [REDACTED]

Date Mailed: July 26, 2024
MOAHR Docket No.: 24-003829
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 July 3, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Stephanie Edwards, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) application?

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] 2024, Petitioner applied for FIP benefits. (Exhibit A, pp. 7-12).
2. At the time of application, Petitioner was homeless and caring for two of her three minor children.
3. At the time of application, Petitioner's two minor children attended school and were enrolled in [REDACTED] and [REDACTED] grade. (Exhibit A, p. 14).
4. Petitioner is unemployed.
5. On February 22, 2024, the Department sent a Verification Checklist (VCL) notice to Petitioner requesting verification of school attendance for her three minor children with a due date of March 4, 2024. (Exhibit A, pp. 23-25). Petitioner was also

provided with a DHS-3380 form called a Verification of Student Information that was to be completed by Petitioner and a school official at her children's school. (Exhibit A, pp. 26-29).

6. On February 27, 2024, the Department sent a VCL notice to Petitioner requesting verification of her residential address with a due date of March 8, 2024. (Exhibit A, pp. 20-22).
7. On March 11, 2024, Petitioner submitted report cards for two of her minor children to the Department. (Exhibit A, pp. 31-32).
8. On March 18, 2024, the Department issued a Notice of Case Action (NOCA) to Petitioner informing her that her application for FIP benefits was denied for failure to provide requested verifications regarding school attendance and residential address. (Exhibit A, pp. 32-35). The notice also stated that Petitioner failed to cooperate in pursuing other potential benefits. (Exhibit A, p. 33).
9. On March 29, 2024, Petitioner requested a hearing to dispute the Department's denial of her application for FIP. (Exhibit A, pp. 4-5).

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, the Department denied Petitioner's application for FIP because Petitioner failed to return the requested verifications regarding her minor children's school attendance status and provide a residential address by the due date listed on the VCL.

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. Dependent children are expected to be enrolled in and attend school full-time as a condition of the household receiving FIP benefits. The Department will verify school attendance in accordance with the criteria outlined in BEM 245. See BEM 245 (July 2023).

Additionally, verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (October 2023), p. 1. To request verification of information, the Department sends a 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. For the purposes of FIP eligibility, school attendance can be verified in multiple ways, including, telephone contact with the school and other acceptable documentation that is on official business letterhead. BEM 245, pp. 11-12.

Here, Petitioner credibly testified that she reached out to the Department to inform them that she had issues with getting a school official to complete the Verification of Student Information DHS-3380 form. Instead, her children's school provided Petitioner with a copy of the children's report cards and hand wrote "[Child's name] is currently enrolled in [second grade/kindergarten] here at [elementary school]." (Exhibit A, pp. 30-31). The school official also provided their name and phone number on the report cards. Petitioner testified that the Department worker, "F. Reid", contacted the school but could not get the form completed either. Petitioner stated that the Department worker accepted the report cards with the school official's signature because the report cards provided details regarding the classes taken and provided an account of the children's tardiness and absences directly on the report cards. Upon review and under the facts in this case, the evidence was sufficient to show that Petitioner made a reasonable effort to provide the requested verifications by the due date and did not indicate a refusal to provide the verifications. Additionally, because the Department made a collateral contact with the school and was unable to verify the attendance, it was required to use the best available information, which in this case were the report cards. BAM 130, pp. 3-4.

As for Petitioner's residential address, the Department was informed at application that Petitioner was homeless. At the hearing, the Department acknowledged that when a fixed mailing address is not available due to the client's living situation, the Department may use the local office address or another location agreeable to the client. BEM 220 (January 2023), pp. 2-3. The Department cannot deny assistance solely because the individual has no permanent dwelling or fixed address. BEM, 220, p. 3.

Here, Petitioner is homeless and does not have a fixed address; however, she does reside in a motel with her children albeit not full-time. Because of this, she was not able to fulfill the Department's request for proof via a driver's license, lease/mortgage agreement, rent receipt, or utility bill. (Exhibit A, p. 20). The Department should have provided Petitioner with the option to have the local office or an address of her choosing to serve as the mailing/residential address for her case.

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 FIP application for failure to submit verification of school attendance and provide a residential address.

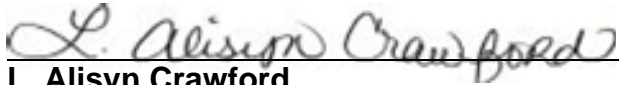
DECISION AND ORDER

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. Reinstate Petitioner's [REDACTED] 2024, FIP application;
2. Determine Petitioner's eligibility for FIP from the date of application ongoing;
3. If Petitioner is eligible for FIP, issue supplements for any FIP benefits that she was entitled to receive but did not, from the date of application ongoing; and
4. Notify Petitioner of its decision in writing.

LC/ml


L. Alisyn Crawford
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:

Respondent

Yvonne Hill
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Interested Party

BSC4
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail:

Petitioner

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