



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

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

Date Mailed: November 12, 2024

MOAHR Docket No.: 24-007498

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 October 14, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Sunshine Simonson, Eligibility Specialist. Mohamed Fahmi served as Arabic interpreter.

**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 recipient of FIP benefits. Petitioner or an adult member of his household sought deferral from participation in the PATH program.
2. On or around March 8, 2024, the Department sent Petitioner a Medical Determination Verification Checklist (VCL) instructing him that he was to apply for disability benefits through the Social Security Administration (SSA), as well as submit verification of a pending SSA disability benefit application or scheduled appointment to apply for benefits, along with other requested verifications by [REDACTED] 2024. (Exhibit A, pp. 11-12)
3. On or around March 8, 2024, the Department also sent Petitioner a Notice to Apply, instructing him that he was to file an application for SSI, and file an appeal if the application is denied. The Notice to Apply informed Petitioner that he was required

to file an application for SSI by [REDACTED] 2024. The Notice to Apply further advised Petitioner that a failure to do so will result in the closure of his FIP case. (Exhibit A, p. 10)

4. The Department asserted that Petitioner failed to submit verification of his application with the SSA as required.
5. On or around April 24, 2024, the Department sent Petitioner a Notice of Case Action informing him that effective June 1, 2024, his FIP case would be closed because he failed to verify requested information. The Notice of Case Action indicates that the case closure was due to a failure to timely submit required documentation for a disability determination to be made with respect to the request for deferral. (Exhibit A, pp. 13-19)
6. On or around June 21, 2024, Petitioner requested a hearing disputing the closure of his FIP case. (Exhibit A, pp. 3-5)

### **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, Petitioner disputed the closure of his FIP case effective June 1, 2024.

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 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.

For 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 Petitioner or an adult member of his household sought deferral from participation in the PATH program, he was required to submit an application for disability benefits through the SSA and to submit additional required documents in order for the disability determination service to process the deferral request. See BEM 229; BEM 270; BEM 271; BAM 815. The Department representative testified that because Petitioner failed to submit sufficient verification that he either applied for or had an appointment to apply for disability benefits through the SSA by the [REDACTED] 2024, due date, the Department initiated the closure of his FIP case effective June 1, 2024, by issuing the April 24, 2024, Notice of Case Action. The Department presented the Medical Determination Verification Checklist, as well as the Notice to Apply during the hearing. Upon review, Petitioner was clearly instructed to apply for SSI benefits through the SSA and to submit the requested verifications to the Department by [REDACTED] 2024. There was no evidence that Petitioner requested an extension or additional time to submit the requested verification. Petitioner did not dispute that he received the March 8, 2024, Medical Determination Verification Checklist or the Notice to Apply. Petitioner testified that he applied for SSI at ACCESS and someone from that agency was supposed to submit the documentation to the Department on his behalf. Later in the hearing, Petitioner testified that he submitted the requested documentation to the Department via mail, but it was after his case had already closed. Petitioner could not recall the date in which the documentation was submitted. Additionally, the Department reviewed the SOLQ during the hearing and testified that it did not reflect any application for disability as of the hearing date.

Therefore, because there was no evidence that Petitioner submitted the requested verifications by the due date identified on the VCL, 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 closed Petitioner's FIP case effective June 1, 2024. Petitioner is advised that he is entitled to submit a new application for FIP benefits, and his eligibility will be determined.

### **DECISION AND ORDER**

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

ZB/ml

  
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**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**

Tara Roland 82-17

Wayne-Greenfield/Joy-DHHS

8655 Greenfield

Detroit, MI 48228

**MDHHS-Wayne-17-hearings@michigan.gov**

**Interested Parties**

BSC4

B Sanborn

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]

[REDACTED]

[REDACTED] MI [REDACTED]