



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: September 19, 2024  
MOAHR Docket No.: 24-008229  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**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 hearing was held via telephone conference line on August 28, 2024. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Jasmin Kimpson, specialist. Sonya Baker, supervisor, observed the hearing.

**ISSUE**

The issue is whether MDHHS properly denied 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 and reported a household including [REDACTED] [REDACTED] born [REDACTED] [REDACTED] 2016 (hereinafter, "Child") and three other minor children.
2. On June 11, 2024, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting proof of school attendance for Child due by June 21, 2024.
3. On July 11, 2024, Petitioner requested a hearing to dispute the denial of FIP benefits.

4. As of August 28, 2024, the date of administrative hearing, MDHHS did not establish sending Petitioner proper notice of application denial.

### **CONCLUSIONS OF LAW**

The 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. MDHHS administers the 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. FIP policies are contained in the BAM, BEM, and RFT.

Petitioner requested a hearing to dispute a denial of FIP benefits. Exhibit A, pp. 4-5. Petitioner applied for FIP benefits on [REDACTED] 2024. Exhibit A, pp. 7-14. MDHHS testified it denied Petitioner's FIP application on July 2, 2024, due to Petitioner's alleged failure to verify information.<sup>1</sup> MDHHS specifically alleged that Petitioner failed to verify school attendance for Child.

Dependent children are expected to attend school full-time, and graduate from high school or a high school equivalency program, to enhance their potential to obtain future employment leading to self-sufficiency. BEM 245 (July 2023) p. 1. A dependent child aged 6 through 15 must attend school full-time. *Id.* If a dependent child aged 6 through 15 is not attending school full-time, the entire FIP group is not eligible. *Id.* MDHHS is to verify school enrollment and attendance at application and redetermination beginning with a child aged 7. *Id.*, p. 11. Acceptable verification of school attendance includes the following: Verification of School Attendance form, telephone contact with the school, and/or documentation on school letterhead.

Petitioner's application reported co-residency with Child. As of the application date, Child was [REDACTED] years old. Exhibit A, pp. 7-14. As a FIP applicant and parent to an 8-year-old, Petitioner was required to verify Child's school attendance.

For all programs, MDHHS is to tell the client what verification is required, how to obtain it, and the due date. BAM 130 (October 2023) p. 3. MDHHS is to use the DHS-3503, Verification Checklist (VCL), to request verification. *Id.* MDHHS is to allow the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. *Id.*, p. 7. MDHHS is to send a negative action notice when:

- The client indicates refusal to provide a verification, or
- The time period given has elapsed and the client has not made a reasonable effort to provide it. *Id.*

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<sup>1</sup> During the hearing, MDHHS also referenced Petitioner's alleged failure to attend employment-related activities and Petitioner's alleged failure to verify a disability. However, neither were stated to be the official reason for denial. In fact, Petitioner should have been deferred from employment-related activities following childbirth which should have resulted in a deferral from employment-related activity participation (see BEM 230A).

MDHHS mailed Petitioner a Verification Checklist (VCL) on June 11, 2024, requesting proof of school enrollment for Child by June 21, 2024.<sup>2</sup> Exhibit A, pp. 15-17. MDHHS testified it received a student identification card for Child on June 26, 2024. MDHHS contended the student identification card was not an acceptable verification of school attendance; MDHHS contended that because proper verification was not received by the denial date of July 2, 2024, application denial was proper.

It was not disputed that a report card is an acceptable verification of a child's school attendance. Petitioner testified she submitted to MDHHS a report card on June 3, 2024, verifying Child's school attendance. MDHHS presented documentation of Petitioner's electronic case file indicating no report card was received. Exhibit B, p. 1. Petitioner's submission of a school identification card is not a valid verification of school attendance. The evidence supports that Petitioner failed to timely verification of Child's school attendance. However, the evidence did not support that MDHHS properly denied Petitioner's application for FIP benefits.

For all programs, MDHHS automatically notifies the client in writing of positive and negative actions by generating the appropriate notice of case action. BAM 220 (November 2023) p. 2. Notices must state the action taken by MDHHS, the reason for the action, the specific manual item which cites the legal basis for action, an explanation of the right to request a hearing, and the conditions under which benefits may be continued if a hearing is request. *Id.*, pp. 2-3.

MDHHS testified that Petitioner's FIP application was denied on July 2, 2024. However, the presented Notice of Case Action dated July 2, 2024, approved Petitioner for Child Development and Care benefits and was silent concerning FIP benefits. Exhibit A, pp. 18-21. Following the hearing, a search of Petitioner's file revealed no indication that a Notice of Case Action denying FIP benefits was ever sent.<sup>3</sup>

Given the evidence, MDHHS failed to establish it properly denied Petitioner's application for FIP benefits dated [REDACTED] 2024. As a remedy, Petitioner is entitled to a reprocessing of the application.

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<sup>2</sup> MDHHS testified it mailed Petitioner a Verification of School Attendance form on May 3, 2024,

<sup>3</sup> Internal MDHHS documents suggested a denial due to a failure to verify information; however, the internal documents did not verify that Petitioner received proper notice of denial. Exhibit A, pp. 26-27 and 31.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's application for FIP benefits. MDHHS is ordered to commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's FIP application dated [REDACTED] 2024;
- (2) Reprocess Petitioner's FIP application subject to the finding that MDHHS failed to establish sending Petitioner proper notice of denial; and
- (3) Issue supplements and notice, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr

  
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**Christian Gardocki**  
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**

Denise Key-McCoggle  
Wayne-Greydale-DHHS  
27260 Plymouth Rd  
Redford, MI 48239

**MDHHS-Wayne-15-Greydale-Hearings@michigan.gov**

**Interested Parties**

BSC4  
B. Sanborn  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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