



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: October 1, 2024  
MOAHR Docket No.: 24-008566  
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 MCL 400.37, and 7 CFR 273.15 to 273.18, 42 CFR 431.200 to 431.250, 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 26, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Michelle Pruitt, Family Independence 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, the Department received an assistance application from Petitioner requesting FIP benefits.
2. On May 20, 2024, the Department sent a Verification Checklist (VCL) to Petitioner requesting verifications of her disability, information of her child's school attendance and her relationship to the child, and information regarding employment services. (Exhibit A, pp. 10-13). The verifications were due back to the Department no later than May 30, 2024.
3. Petitioner did not return the verifications by the May 30, 2024 due date.
4. On June 20, 2024, the Department sent a Notice of Case Action (NOCA) to the Petitioner informing her that her FIP application was denied due to her failure to provide requested verifications.

5. On July 22, 2024, the Department received a Food Replacement Affidavit from Petitioner informing them that her FAP benefits were stolen due to fraud in the amount of \$152. (Exhibit A, pp. 7-9).
6. On July 22, 2024, the Department received a hearing request from Petitioner disputing the Department's actions regarding her FIP application and stolen Food Assistance Program (FAP) benefits.

### **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).

Regarding Petitioner's FAP food replacement claim, Petitioner completed the food replacement request form on the same day that she requested this hearing. Per Department policy, the Michigan Office of Administrative Hearings and Rules may grant a hearing about any of the following: (i) denial of an application and/or supplemental payments; (ii) reduction in the amount of program benefits or service; (iii) suspension or termination of program benefits or service; (iv) restrictions under which benefits or services are provided; (v) delay of any action beyond standards of promptness; or (vi) for FAP only, the current level of benefits or denial of expedited service. BAM 600 (June 2024), p. 5.

Because the Department had not received Petitioner's food replacement claim before the request for hearing was submitted, the Department had not yet taken any action on the claim. Accordingly, there are currently no hearable issues regarding Petitioner's FAP food replacement request. As such, the hearing request is regarding the replacement food claim is, therefore, **DISMISSED** for lack of jurisdiction. Petitioner is advised that she may request a hearing if she disputes the Department's action regarding her request for FAP food replacement.

### **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 the present case, Petitioner submitted a hearing request to dispute the Department's actions regarding her cash assistance benefit. Petitioner submitted a cash assistance application on [REDACTED] 2024. The Department credibly testified it sent Petitioner a Verification Checklist (VCL) on May 20, 2024 giving Petitioner until May 30, 2024, to verify

her disability, her dependent child's school attendance information, and information regarding employment services. (Exhibit A, pp. 10-12).

Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130 (January 2022), 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.

With respect to 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 testified that because it did not receive the requested verifications by May 30, 2024, due date reflected on the VCL, it initiated the denial of Petitioner's FIP application by issuing the Notice of Case Action dated June 20, 2024. Petitioner acknowledged not returning the requested verifications timely. Though Petitioner initially claimed that she returned the requested verifications prior to the due date, the Department reviewed her July 2024 verification submission on the record which indicated that the documents provided were dated after the VCL due date of May 30, 2024. Petitioner ultimately conceded that the only verification submission she provided the Department was in July 2024 after she reapplied for cash assistance on June 25, 2024. At the time of the hearing, Petitioner's cash assistance was approved with a certification date of July 10, 2024. There was no evidence that Petitioner requested an extension or additional time to submit the requested verifications that were due on May 30, 2024.

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 denied Petitioner's FIP application for failure to timely provide requested verifications.

**DECISION AND ORDER**

Petitioner's request for hearing concerning FAP is **DISMISSED**.

The Department's FIP decision is **AFFIRMED**.

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:**

**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]