STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

GRETCHEN WHITMER
GOVERNOR

MARLON I. BROWN, DPA
DIRECTOR

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Date Mailed: December 12, 2024
MOAHR Docket No.: 24-010099
Agency No.: ██████████
Petitioner: ████████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on November 14, 2024, via teleconference. Petitioner appeared and represented herself. April Sprague, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted at the hearing as MDHHS Exhibit A, pp. 1-57.

ISSUE

Did MDHHS properly deny Petitioner's application for Family Independence Program (FIP)/cash assistance?

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 ███████ 2024, Petitioner applied for cash assistance on behalf of herself and her minor child (Minor Child) (Exhibit A, p. 7).

2. On August 2, 2024, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of Minor Child's school attendance by August 12, 2024 (Exhibit A, p. 29).

3. On August 22, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that Petitioner was denied cash assistance from August 16, 2024 ongoing (Exhibit A, p. 40). The reason for the denial was that verification of school attendance was not received (Exhibit A, p. 41).

4. On August 23, 2024, Petitioner requested a hearing.

5. On ▮▮▮▮▮▮ 2024, Petitioner submitted an application for cash assistance (Exhibit A, p. 46).

6. On ▮▮▮▮▮▮ 2024, Petitioner submitted an enrollment verification for Minor Child from ▮▮ Community Schools (Exhibit A, p. 53).

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. MDHHS 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, MDHHS denied Petitioner's initial application for FIP/cash assistance because Petitioner did not return the verification of school attendance by the deadline.

MDHHS must request verification when required by policy or when information regarding an eligibility factor is unclear, inconsistent or contradictory. BAM 130 (May 2024), p. 1. When MDHHS determines that verification is necessary, it must tell the client what verification is required, how to obtain it and the due date. *Id.*, p. 3. MDHHS uses a VCL to request verification. *Id.* Verifications are considered timely if they are received by the date that they are due and MDHHS must allow the client at least ten calendar days to provide the verification requested. *Id.*, p. 7. For FIP, if the client contacts the Department prior to the due date requesting an extension or assistance in obtaining verifications, the specialist may grant an extension to the VCL due date. *Id.* MDHHS sends a negative action notice when the client indicates a refusal to provide a verification, or the time period given has lapsed and the client has not made a reasonable effort to provide it. *Id.*
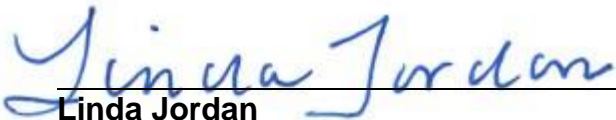
Here, MDHHS alleged that it did not receive verification of Minor Child's school attendance by the deadline. Petitioner testified that she was unable to obtain the verification because school was not yet in session. However, no evidence was provided to show that Petitioner contacted MDHHS prior to the deadline to request an extension or to request assistance. Thus, MDHHS has shown that it properly requested the information from Petitioner by sending the VCL and other necessary forms. Additionally, MDHHS sent a negative action notice after the deadline for the verification had passed, pursuant to policy.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's application for FIP.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt   **Linda Jordan**
                                         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**
Janice Collins
Genesee County DHHS Union St District Office
125 E. Union St   7th Floor
Flint, MI 48502
MDHHS-Genesee-UnionSt-Hearings@michigan.gov

Interested Parties
BSC2
B Sanborn
MOAHR

Via-First Class Mail: **Petitioner**
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