



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]
[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: January 24, 2025
MOAHR Docket No.: 24-014052
Agency No.: [REDACTED]
Petitioner: [REDACTED]

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 January 22, 2025, via teleconference. Petitioner appeared and represented herself. Melissa Stanley, 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. 1-20.

ISSUE

Did MDHHS properly terminate Petitioner's Family Independence Program (FIP) benefits?

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 on behalf of herself and her son (Minor Child).
2. On November 1, 2024, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of Minor Child's school attendance by November 12, 2024 (Exhibit A, p. 7). MDHHS extended the verification deadline to November 22, 2024 (Exhibit A, p. 10).
3. On November 1, 2024, MDHHS sent Petitioner a Verification of Student Information form (Exhibit A, p. 11).

4. On December 6, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that her FIP/cash assistance case was closed, effective January 1, 2025 ongoing, for failure to verify school attendance (Exhibit A, pp. 15-16).
5. On December 17, 2024, Petitioner requested a hearing (Exhibit A, p. 3).

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 terminated Petitioner's FIP benefits because she failed to verify Minor Child's 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.*

At the hearing, Petitioner credibly testified that she informed her caseworker that she was having difficulty obtaining the requested verifications prior to the deadline. She explained that she and Minor Child were residing in a domestic violence shelter and that Minor Child transferred to a new school. Petitioner testified that Minor Child was formerly attending school in [REDACTED], then he briefly attended school at [REDACTED], before transferring to [REDACTED]. Petitioner testified that her caseworker told her that an extension of the verification deadline may be possible, but that she never confirmed whether the deadline was extended.

MDHHS provided documentation to show that the deadline for the verification was extended one time. However, it is unclear whether that information was communicated

to Petitioner. The caseworker did not appear at the hearing to provide testimony on the matter, and therefore, Petitioner's credible testimony carries more weight than the case comments presented by MDHHS. The record shows that Petitioner was attempting to comply with MDHHS' verification requests, and it is unclear whether MDHHS properly assisted her in obtaining the records after she requested help.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it terminated Petitioner's FIP benefits.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**. MDHHS 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 FIP case and redetermine her eligibility for FIP, effective January 1, 2025, requesting additional verifications and providing the appropriate assistance, as needed;
2. Issue supplemental payments for any FIP benefits that the household was eligible to receive, but did not, from January 1, 2025 ongoing; and
3. Notify Petitioner of its decision in writing.

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

Elisa Daly
Saginaw County DHHS
411 East Genesee
PO Box 5070
Saginaw, MI 48607
MDHHS-Saginaw-Hearings@michigan.gov

Interested Parties

BSC2
B Sanborn
MOAHR

Via-First Class Mail:

Petitioner

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