



Date Mailed: February 21, 2025

Docket No.: 24-038195

Case No.:

Petitioner:

«RECIP_FULL_NAME»
«RECIP_ADD0»
«RECIP_ADD1»
«RECIP_ADD2»
«RECIP_CITY», «RECIP_SPCODE»
«RECIP_POSTAL»

This is an important legal document. Please have someone translate the document.

هذه وثيقة قانونية مهمة. يرجى أن يكون هناك شخص ما يترجم المستند.

এটি একটি গুরুত্বপূর্ণ আইনি ডকুমেন্ট। দয়া করে কেউ দস্তাবেজ অনুবাদ করুন।

Este es un documento legal importante. Por favor, que alguien traduzca el documento.

这是一份重要的法律文件。请让别人翻译文件。

Ky është një dokument ligjor i rëndësishëm. Ju lutem, kini dikë ta përktheni dokumentin.

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; 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 on February 13, 2025. Petitioner appeared and represented herself. The Michigan Department of Health and Human Services (MDHHS or Department) was represented by Rosemary Molsbee-Smith, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) benefits and close her Food Assistance Program (FAP) 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 FAP benefits.
2. On or around [REDACTED] 2024, Petitioner submitted an application requesting FIP benefits. (Exhibit A, pp. 11-17)
3. Petitioner's household includes herself and two children (Child A and Child B).

24-038195

4. On or around December 5, 2024, the Department sent Petitioner a Verification Checklist (VCL) instructing her to submit proof of school attendance for her two children and self-employment income by December 16, 2024. The Department included a Verification of Student Information form for only one of Petitioner's children with the VCL (Child A). (Exhibit A, pp. 31-47)
5. The Department asserted that it did not receive the requested verification of student information by the December 16, 2024, due date and that no request for extension to submit the verifications was made by Petitioner.
6. On December 19, 2024, the Department sent Petitioner a Notice of Case Action advising her that her application for cash assistance under the FIP was denied because she failed to submit verification of school attendance and proof of self-employment income. The Notice of Case Action further advised Petitioner that effective January 1, 2025, her FAP case would be closed because she failed to return verification of her self-employment income. (Exhibit A, pp. 48-52)
7. On or around December 30, 2024, Petitioner requested a hearing disputing the Department's denial of her FIP application and the closure of her FAP case. (Exhibit A, pp. 4-8)
8. After receiving Petitioner's request for hearing, the Department determined that Petitioner's FAP case was closed in error. The Department reinstated Petitioner's FAP case effective January 1, 2025. (Exhibit A, pp. 67-68)
9. On or around January 9, 2025, the Department sent Petitioner a Notice of Case Action advising her that effective January 1, 2025, her FAP case was reinstated and she was approved for FAP benefits of \$768 for a household size of three. (Exhibit A, pp. 53-57)
10. Effective January 1, 2025, Petitioner was approved for \$786, which is the maximum amount of FAP benefits based on her confirmed household size of three. RFT (October 2024), p.1.
11. It was established that the issue Petitioner requested a hearing to dispute with respect to the FAP was resolved and there remains no negative action. Thus, the hearing request regarding FAP is DISMISSED. BAM 600 (June 2024).

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 Department's denial of her [REDACTED] 2024, FIP application. FIP is a cash assistance program designed to help individuals and families become self-sufficient. Cash assistance is available to eligibility determination groups (EDG) who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. In order to evaluate FIP eligibility, a FIP EDG must exist, based on the FIP group composition rules in BEM 210. BEM 209 (January 2022), pp. 1-5. To be eligible for FIP benefits, the group must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker; and the group cannot include an adult who has accumulated more than 60 Temporary Assistance for Needy Families (TANF) funded months, beginning October 1, 1996, or any other time limits in the FIP; see BEM 234. A dependent child is an unemancipated child who lives with a caretaker and is one of the following: under age 18, and/or age 18 and a full-time high school student. Living together means sharing a home where family members usually sleep except for temporary absences. BEM 210 (July 2021), pp. 1-3. Dependent children are expected to be enrolled in and attending school full-time as a condition of the household receiving FIP benefits. The Department will verify school attendance in accordance with the criteria outlined in BEM 245. See BEM 245 (July 2023).

Additionally, 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, pp. 3-4.

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 it did not receive the requested verification of student information attendance by the December 16, 2024,

due date reflected on the VCL, it initiated the denial of Petitioner's FIP application by issuing the Notice of Case Action dated December 19, 2024. There was no evidence that Petitioner requested an extension or additional time to submit the requested verification. The Department acknowledged that Petitioner submitted the verification of student information on January 9, 2025; however, it was too late, as the application had already been denied. The Department further acknowledged that it did not send Petitioner a verification of student information for Child B; however, the evidence showed that Petitioner failed to timely submit the form for Child A, and thus, the Department's error in failing to include a verification form for Child B is not a basis for reinstatement of the application. At the hearing, Petitioner testified that by the time she noticed the VCL and verification forms, it was around December 22, 2024, and the school was closed for the holiday/winter break. Petitioner testified that when the school reopened, she had the form completed and submitted it to the Department on or around January 9, 2025.

Upon review, because there was no evidence that Petitioner submitted the requested verification of school information 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. Petitioner is advised that she is entitled to submit a new application for FIP benefits and her eligibility will be determined.

DECISION AND ORDER

Accordingly, the hearing request with respect to FAP is **DISMISSED** and the Department's FIP decision is **AFFIRMED**.



ZAINAB A BAYDOUN
ADMINISTRATIVE LAW JUDGE

APPEAL RIGHTS: Petitioner may appeal this Hearing Decision to the circuit court. Rules for appeals to the circuit court can be found in the Michigan Court Rules (MCR), including MCR 7.101 to MCR 7.123, available at the Michigan Courts website at courts.michigan.gov. The Michigan Office of Administrative Hearings and Rules (MOAHR) cannot provide legal advice, but assistance may be available through the State Bar of Michigan at <https://lrs.michbar.org> or Michigan Legal Help at <https://michiganlegalhelp.org>. A copy of the circuit court appeal should be sent to MOAHR. A circuit court appeal may result in a reversal of the Hearing Decision.

Either party who disagrees with this Hearing Decision may also send a written request for a rehearing and/or reconsideration to MOAHR within 30 days of the mailing date of this Hearing Decision. Requests MOAHR receives more than 30 days from the mailing date of this Hearing Decision may be considered untimely and dismissed. The request should include Petitioner's name, the docket number from page 1 of this Hearing Decision, an explanation of the specific reasons for the request, and any documents supporting the request. The request should be sent to MOAHR

- by email to MOAHR-BSD-Support@michigan.gov, OR
- by fax at (517) 763-0155, OR
- by mail addressed to
Michigan Office of Administrative Hearings and Rules
Rehearing/Reconsideration Request
P.O. Box 30639
Lansing Michigan 48909-8139

Documents sent via email are not secure and can be faxed or mailed to avoid any potential risks.

Via Electronic Mail: **DHHS**
OAKLAND COUNTY DHHS - MADISON HTS DIST
30755 MONTPELIER DR
MADISON HTS, MI 48071
MDHHS-OAKLAND-DISTRICTII-HEARINGS@MICHIGAN.GOV

Interested Parties
BSC4
B Sanborn
M Holden
B Cabanaw
N Denson-Sogbaka
MOAHR

Via First Class Mail: **Petitioner**

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