

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HEALTH AND HUMAN SERVICES**

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-018520
Issue Nos.: 1001, 1003
Agency Case No.: [REDACTED]
Hearing Date: November 30, 2015
County: Wayne (49)
Grand River/Warren

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 telephone hearing was held on November 30, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Summary.

ISSUE

Did the Department properly fail to grant a student clothing allowance under the Family Independence Program (FIP) to the Petitioner's minor children?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Department issued a Notice of Case Action dated September 10, 2015, approving and continuing the Petitioner's FIP benefits as of September 1, 2015, ongoing. Exhibit A. At no time was there a break in the Petitioner's receipt of FIP benefits.
2. The Petitioner had a redetermination which she returned and completed timely; however, the Department failed to process the redetermination by August 31, 2015. The Department failed to process the redetermination properly. The Petitioner listed two children as members of her FIP group and who attended school. Exhibit C.

3. The Department issued another Notice of Case Action on August 20, 2015, which closed the Petitioner's FIP case effective September 1, 2015, due to failure to complete the redetermination. Exhibit C.
4. The Petitioner has two children in the FIP group; one child is an Supplemental Security Income (SSI) recipient ([REDACTED]) and does not appear in the FIP group nor is the Petitioner listed as a FIP group recipient.
5. The Petitioner completed the redetermination and returned it to the Department on July 31, 2015, three days prior to the due date. Exhibit B.
6. The Petitioner's hearing request was not a request regarding Food Assistance Program (FAP) benefits but only involved FIP benefits for the Children's Clothing Allowance.
7. The Petitioner requested a hearing on September 30, 2015, protesting the Department's actions.

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, the Department failed to process the redetermination which was returned by the Petitioner before the due date. Based upon the eligibility summary, the Petitioner had FIP benefits during the month of September 2015 ongoing. Exhibit A. The Department issued a Notice of Case Action on August 20, 2015, closing the Petitioner's FIP case for failure to complete the redetermination. The Petitioner's FIP case was open on August 31, 2015. Exhibit C. The Department presented no evidence to support the FIP closure September 1, 2015, and the issuance of the Notice dated August 20, 2015.

Department policy found in BPB 2015-14 provides eligibility criteria for eligibility for receiving the children's clothing allowance. The Policy states that The FIP eligibility group (Eligibility Determination Group (EDG) must be active as a child-only FIP EDG and the eligible child must be eligible for FIP during September 2015. This includes children receiving SSI in the FIP EDG. BPB 2015014 (August 19, 2015) p. 1. The policy also indicates that supplements are issued for the children's clothing allowance to the FIP EDG with qualifying children who are eligible for September FIP payments in

Bridges as of the single deadline date of August 31, 2015, for September benefits. BPB 2015-14, p.2. The policy does note that once the funding for the children's clothing allowance is depleted, there will be no additional funds allocated regardless of the eligibility of the FIP EDG.

Based upon the evidence presented at the hearing, the FIP EDG group had children only; and the FIP case was open on August 31, 2015. Exhibit C. The Department presented no contrary evidence; and thus, it is determined that the Petitioner's children were eligible for the school clothes allowance. Subject to clothing funds being still available, the Department must process the Petitioner's clothing allowance request as the record presented by the Department did not support a denial of the clothing allowance as the Petitioner's FIP was open as of August 31, 2015, and was closed incorrectly due to the Department's failure to process the redetermination.

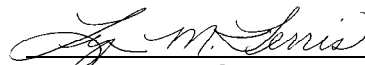
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it failed to timely process the redetermination and failed to provide a clothing allowance to Petitioner's children. There is no issue regarding the Petitioner's FAP benefits; the only issue was eligibility for Children's Clothing allowance under the FIP program.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT 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. The Department shall process the children's school clothing allowance for the child, [REDACTED], and the child, [REDACTED], if clothing allowance funds are still available.
2. The Department shall issue a clothing allowance supplement to the Petitioner for both children if children clothing allowance funds are still available.



Lynn M. Ferris

Administrative Law Judge
for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **12/4/2015**

LMF/jaf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days

of the receipt date. A copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from MAHS within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion. MAHS **MAY** grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

cc:

