



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: June 16, 2017  
MAHS Docket No.: 17-005861  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

### **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 June 8, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] FIM. [REDACTED] ES, also appeared and testified for the Department. Department Exhibit 1, pp. 1-53 was received and admitted.

### **ISSUE**

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) benefits due to Petitioner being an ineligible grantee?

### **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 February 7, 2017, Petitioner applied for FIP benefits.
2. On April 10, 2017, a Notice of Case Action was issued by the Department denying Petitioner's application for FIP benefits due to a lifetime sanction. (Dept. Ex. 1, pp. 5-7)
3. On April 26, 2017, Petitioner requested hearing contesting the denial her application for FIP benefits. (Dept. Ex.1, p.2)

## **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.

### **Noncompliant Member Leaves The Home**

If the noncompliant member leaves the home before issuing a DHS-2444, Notice of Noncompliance, do not act on the closure. Enter a good cause reason for the pending noncompliance in Bridges.

If the noncompliant member leaves the home after Bridges closes the FIP EDG due to the noncompliance, the noncompliant member takes his/her individual penalty sanction and counter with him/her to a new group. The original group may reapply for FIP as there is no longer a noncompliant individual serving a current sanction in the group.

If it is reported to the department that the parent who affected the FIP EDG closure is out of the home and a new DHS-1171 is submitted, request a Front End Eligibility (FEE) investigation from the Office of Inspector General (OIG) to complete a home visit to verify the parent is out of the home. Do not determine eligibility on the pending FIP EDG until the FEE agent completes an investigation. Document the results of the home visit in the case file and in Bridges case comments.

If the noncompliant individual who is currently serving a sanction is eligible for FIP in a new group, the new group must serve the sanction. BEM 233A (April 2016)

### **All Programs**

The client or AHR has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received in the local office within the 90 days. BAM 600

In this case, in November 2013, Petitioner received her third sanction for nonparticipation with the work rules for the FIP program. Petitioner was given an opportunity to contest the sanction and closure of FIP at that time but she did not contest it. Petitioner raised issues at hearing with regard to that closure and imposition of sanction but since more than 90 days elapsed from that action and Petitioner's request for hearing the undersigned Administrative Law Judge has no jurisdiction or authority to address the Department action that took place in 2013. BAM 600 When Petitioner applied for FIP benefits in February 7, 2017, she was still under a lifetime sanction. Department policy dictates that an individual who is serving a lifetime employment and training penalty is not eligible to receive FIP even as an ineligible grantee. BEM 233A Therefore, the Department action in denying Petitioner's FIP application was proper and correct. Petitioner testified at hearing that she was seeking FIP for a foster child she is providing care to. Nothing in Department policy alters a recipient's sanction status because they are providing care to a foster child.

### **DECISION AND ORDER**

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 February 7, 2017, application for FIP benefits due to lifetime sanction.

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

AM/mc



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**Aaron McClintic**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

**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 Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS 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. MAHS will not review any response to a request for rehearing/reconsideration.

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

**DHHS**

[REDACTED]

**Petitioner**

[REDACTED]