



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: June 19, 2017
MAHS Docket No.: 17-006476
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 15, 2017, from Lansing, Michigan. Petitioner was represented by herself and [REDACTED]. The Department was represented by Hearing Facilitator [REDACTED].

ISSUE

Did the Department properly deny Petitioner's May 3, 2017, Family Independence Program (FIP) application?

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 November 12, 2015, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would be sanctioned "for at least the third time" due to noncompliance with employment and/or self-sufficiency related activities. The notice stated "MDHHS must receive your request for appeal within 90 days of the mailing date of this notice. Your request must be received on or before 02/10/2016 or you will not be granted a hearing."
2. On December 1, 2015, Petitioner was sanctioned from receiving Family Independence Program (FIP) benefits for life.
3. On May 3, 2015, Petitioner submitted an online Assistance Application (DHS-1171) for Family Independence Program (FIP) benefits.

4. On May 4, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) application was denied because the group is no longer eligible for FIP benefits.
5. On May 8, 2017, Petitioner submitted a hearing request.
6. During this hearing Petitioner testified that there are no Medical Assistance (MA) or Food Assistance Program (FAP) issues in dispute that require a hearing. The Medical Assistance (MA) and Food Assistance Program (FAP) portion of the hearing request are dismissed.

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.

Petitioner was sent a Notice of Case Action (DHS-1605) on November 12, 2015 stating the Department was going to sanction her from receipt of Family Independence Program (FIP) benefits for the third time. Petitioner had until February 10, 2016 to request a hearing on that Departmental action.

A May 8, 2017, hearing request does not provide or create jurisdiction to review whether or not Petitioner's December 1, 2015 life time FIP sanction was correct. It does provide jurisdiction to determine whether the May 4, 2017 denial of Petitioner's May 3, 2017 Family Independence Program (FIP) application was properly denied.

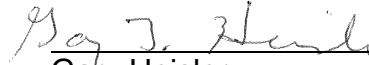
The Department has submitted evidence which shows that on December 1, 2015, Petitioner was sanctioned from receiving Family Independence Program (FIP) benefits for life. Therefore, denial of the May 3, 2017 and any subsequent application for Family Independence Program (FIP) benefits is a correct action.

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 May 3, 2017, Family Independence Program (FIP) application.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Authorized Hearing Rep.

[REDACTED]

Petitioner

[REDACTED]