



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 20, 2018
MAHS Docket No.: 18-001840
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 telephone hearing was held on April 19, 2018, from [REDACTED] Michigan. Petitioner personally appeared and testified. The Petitioner was represented by [REDACTED]

The Department of Health and Human Services (Department) was represented by Family Independence Manager [REDACTED] [REDACTED] and Hearing Facilitator [REDACTED] [REDACTED]. The Department submitted nine exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly determine Petitioner's Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

1. On January 18, 2018, Petitioner applied for FIP benefits for her grandchildren. [Dept. Exh. 1].
2. On February 5, 2018, the Department mailed a Notice of Case Action to Petitioner increasing her FIP benefits to \$ [REDACTED] from February 16, 2018 through February 28, 2018, and to \$ [REDACTED] a month beginning March 1, 2018 ongoing. [Dept. Exh. 4-5].

3. On February 16, 2018, Petitioner submitted a request for hearing indicating she had only been granted FIP benefits for half of February and then the full amount starting in March. Petitioner indicated she should have been granted benefits from the time she applied on January 18, 2018. [Dept. Exh. 8].
4. Petitioner's Authorized Representative (AR) testified that Petitioner had been told that she would be receiving FIP benefits immediately upon applying and that had not happened. Petitioner's AR indicated they had been told that Petitioner would be receiving five hundred and something, but that Petitioner had been cut off FIP benefits this month.
5. Hearing Facilitator [REDACTED] testified that as of yesterday, she had put \$ [REDACTED] in Petitioner's FIP account and that Petitioner had received \$ [REDACTED] in FIP benefits in March. [REDACTED] [REDACTED] explained that she had just realized today that only four grandchildren had been entered for coverage, where benefits should have been paid for five grandchildren, and they were working to fix this, even as we were speaking during the hearing.

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 was in the process of trying to get Petitioner the correct amount of FIP benefits, as early as yesterday, and while participating in the hearing. It was the Department who noticed that only four grandchildren had been counted, instead of five, which was going to change the amount of benefits Petitioner was going to receive.

The evidence was summarized, and Petitioner was asked by the undersigned Administrative Law Judge if she wanted to continue the hearing or have me order the Department to redetermine the correct amount of FIP benefits she should be receiving once the proper number of grandchildren were counted. Petitioner indicated she wanted to have the Department continue to work on her case and there was no reason to continue the hearing because they were actively working on it.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did not act in accordance with Department policy when it determined Petitioner's FIP eligibility.

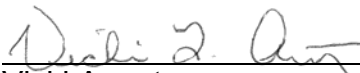
DECISION AND ORDER

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. Redetermine Petitioner's FIP benefits once the correct number of grandchildren are entered on her case and issue any additional FIP benefits if Petitioner is otherwise eligible to receive them.
2. Issue an updated Notice of Case Action to Petitioner once the Department redetermines the proper amount of FIP benefits that Petitioner is to receive.

VLA/nr



Vicki Armstrong
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]

Petitioner

[REDACTED]