



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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

Date Mailed: July 12, 2018
MAHS Docket No.: 18-004190
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 July 11, 2018, from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Arnesia Woods, Eligibility Specialist.

ISSUE

Did the Department properly issue Family Independence Program (FIP) benefits to Petitioner in April 2018?

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 March 9, 2018, Petitioner submitted an Application for Family Independence Program (FIP) benefits.
2. On March 15, 2018, the Department issued a FAST Mandatory Notice, which the Petitioner completed timely.
3. On the same day, the Department issued a Partnership. Accountability. Training. Hope. (PATH) Appointment Notice alerting Petitioner to her appointment dated March 26, 2018, at 9:00 AM with the Resource Network located at 11816 Joseph Campau, Hamtramck, MI 48212 and her 21-day Application Eligibility Period (AEP).
4. Petitioner attended her appointment and completed the 21-day AEP on April 16, 2018.

5. The Department was not alerted to Petitioner's attendance and completion of the 21-day AEP until April 23, 2018.
6. On April 23, 2018, the Department issued a Notice of Case Action granting Petitioner's FIP benefits for the month of April 2018 in the amount of \$ [REDACTED] and from May 1, 2018, ongoing, in the amount of \$ [REDACTED]
7. On April 25, 2018, Petitioner submitted her hearing request disputing the FIP benefit rate calculated by the Department for April 2018.

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.

The FIP is temporary cash assistance to support a family's movement to self-sufficiency. BEM 230A (January 2018), p. 1. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. *Id.* Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. *Id.* These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain employment. *Id.*

In this case, Petitioner requested a hearing because she believes she should have been awarded the full FIP benefit amount of \$ [REDACTED] for April 2018 rather than partial benefit amount of \$ [REDACTED]. For a FIP case, if the group meets all eligibility requirements, assistance begins in the pay period in which the application becomes 30 days old. If the application becomes 30 days old and the group has not met eligibility requirements, assistance begins for the first pay period all eligibility requirements have been met. BAM 115 (January 2018), p. 27. PATH participants must complete the 21-day Application Eligibility Period (AEP) part of orientation as an eligibility requirement for approval of a FIP application. BEM 229 (October 2015), p. 1. In FIP cases, benefits are issued twice per month: for the period of the 1st through the 15th and the period of the 16th through the last day of the month. BAM 400 (October 2015), p. 1.

Petitioner completed her AEP on April 16th, in the benefit issuance period for the second half of the month. Petitioner did not complete all of the eligibility requirements, including the AEP, until after the 15th of the month. As a result, she was not eligible for the first benefit issuance in April covering the period from April 1st through the 15th. In addition, the FIP Monthly Assistance Payment Standard for Petitioner's group size of three is \$████ RFT 210 (April 2017), p. 1. When paid in two installments for the first half, and then the second half of the month, the amount received by a client in each issuance period is \$████. Therefore, the Department properly granted Petitioner a FIP benefit of \$████ based upon her completion of the eligibility requirements in the second half of April 2018.

After a review of all of the evidence and applicable policy, the Department acted in accordance with Department policy when it only provided Petitioner with half of her usual benefit rate in April 2018.

DECISION AND ORDER

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



AMTM/

Amanda M. T. Marler
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) 763-0155; 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

Richard Latimore
MDHHS-Wayne-57-Hearings

Petitioner

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