



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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

Date Mailed: March 14, 2019  
MAHS Docket No.: 19-000695  
Agency No.: [REDACTED]  
Petitioner: [REDACTED] [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Jeffrey Kemm

**HEARING DECISION**

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 13, 2019, from Lansing, Michigan. [REDACTED] [REDACTED] Petitioner, appeared and represented herself. Alexis Martell, Assistance Payments Supervisor, appeared for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 31-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

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

**FINDINGS OF FACT**

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

1. Petitioner is a FIP assistance recipient. The Department issued \$597.00 in FIP assistance to Petitioner each month from September 2018 through January 2019 based on a group size of 4.
2. On January 2, 2019, Petitioner lost her job.
3. On January 4, 2019, the Department issued a Notice of Case Action which notified Petitioner that her FIP was closed effective February 1, 2019, because her group's countable income exceeded the Department's limit. The

Department's Notice of Case Action was prompted by a wage match verification it received, which indicated that Petitioner had employment she had not reported to the Department.

4. On January 15, 2019, Petitioner reported her loss of employment to the Department. Petitioner also requested a hearing to dispute the Department's January 4, 2019, decision.
5. On January 25, 2019, the Department reinstated Petitioner's FIP with a group composed of only Petitioner's brother. The Department found Petitioner eligible for \$158.00 in FIP assistance per month beginning February 1, 2019, based on a group size of 1.

### **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 Department must act on reported changes in accordance with its policies. BEM 515 (October 1, 2018), p. 3-4. In general, the Department must make sure a change is reflected in the first month that begins at least 10 days after the change is reported, if possible. BEM 515, p. 3-4. Here, Petitioner alleged that the Department did not follow its policies because it did not act in a timely manner on her request to change her FIP group to 1 (which resulted in the closure of her FIP because Petitioner's income was budgeted since she was included as a group member).

There is insufficient evidence to establish that the Department did not act in accordance with its policies as alleged by Petitioner. Petitioner did not provide any reliable evidence to establish that she reported to the Department that she wanted her FIP group changed. Petitioner filed a hearing request in which she asserted that she reported to the Department on December 20, 2018, that she wanted her FIP group changed. However, at the hearing Petitioner testified that she reported to the Department on November 18, 2018, that she wanted her FIP group changed. Petitioner did not present any evidence of a change report or any other documentation to establish that she reported to the Department that she wanted her FIP group changed. Thus, there is no reliable evidence that Petitioner reported to the Department that she wanted her FIP group changed. Since there is no reliable evidence Petitioner reported to the

Department that she wanted her FIP group changed, there is no evidence that the Department failed to act in a timely manner.

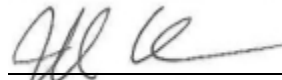
The Department budgeted Petitioner's income from employment since she was a FIP group member, and the Department properly determined that her group exceeded the Department's income limit to be eligible for FIP. Since Petitioner's group was ineligible for FIP, the Department acted in accordance with its policies when it terminated her FIP effective February 1, 2019.

### **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 did act in accordance with its policies and the applicable law when it issued its January 4, 2019, Notice of Case Action which closed Petitioner's FIP case.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/nr



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Jeffrey Kemm  
Administrative Law Judge  
for Robert Gordon, 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**

Montrece White  
27690 Van Dyke  
Warren, MI  
48093

Macomb 20 County DHHS- via electronic  
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BSC4- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

**Petitioner**

[REDACTED]  
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