



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 21, 2019
MOAHR Docket No.: 19-004994
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 June 19, 2019, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Amanda Mullen, Hearing Facilitator and Penny Barnes, Family Independence Specialist.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) and State Emergency Relief (SER) benefit 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 [REDACTED], 2019, Petitioner submitted an application for SER and FIP benefits (Exhibit A).
2. On March 25, 2019, the Department sent Petitioner an Appointment Notice informing her that she had a scheduled telephone interview on April 1, 2019, at 1:45 PM (Exhibit B).
3. On April 1, 2019, the Department sent Petitioner a State Emergency Relief Decision Notice informing her that her SER benefit application was denied (Exhibit C).

4. On May 6, 2019, the Department sent Petitioner a Notice of Case Action informing her that her FAP benefit application was denied (Exhibit D).
5. On [REDACTED], 2019, Petitioner submitted a request for hearing disputing the Department's actions.

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 State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner submitted an application for SER and FAP benefits on [REDACTED], 2019. The Department sent Petitioner an appointment notice on March 25, 2019, informing her that she had a telephone interview related to her application on April 1, 2019 at 1:45 PM.

When completing an application for SER benefits, the in-person interview requirement is waived but a phone interview is required for active applicants. ERM 103 (January 2018), p. 5. In-person interviews are required for persons who are applying for SER services and are not active for another Department program. ERM 103, p. 5. The SER standard of promptness is 10 calendar days, beginning with the date the SER application is received. ERM 103, p. 5. The Department will pend an application if the SER group is cooperating within their ability to provide verifications. ERM 103, p. 5. The Department will deny the SER application if the group does not cooperate. ERM 103, p. 5.

For FIP benefits, the Department must conduct a telephone interview at application with each adult mandatory group member before approving benefits. BAM 115 (April 2019), p. 21. If the group is ineligible or refuses to cooperate in the application process, the Department will issue a denial for program benefits. BAM 115, p. 24.

The Department presented a call log showing all of the calls made to Petitioner's telephone (Exhibit F). On April 1, 2019, the Department contacted Petitioner at 1:46 PM.

According to the case notes, Petitioner did not answer, and the worker left her a voicemail (Exhibit E). On April 1, 2019, the Department sent Petitioner notice that her SER application was denied. Petitioner's worker also attempted to contact her on May 1, 2019, and May 6, 2019. The worker was unable to reach Petitioner, and as a result, her FIP application was denied in the notice issued on May 6, 2019.

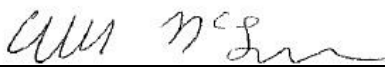
Petitioner testified that she did not receive a phone call from her worker on April 1, 2019. Petitioner stated that she was aware that she had a scheduled interview but did not follow up after April 1, 2019, because she did not receive notification that she missed her interview or that her benefit application was in jeopardy of being denied as a result of the missed interview. Petitioner stated she contacted her worker numerous times after April 1, 2019 but was never advised there was an issue as a result of the missed interview. Petitioner stated she did not request a new interview.

For FAP benefits, if a client misses an interview appointment, the Department will send a Notice of Missed Interview, advising them that it is their responsibility to schedule a new interview. BAM 115, p. 24. A Notice of Missed Interview is not sent for any other benefit programs. The Department contacted Petitioner at the scheduled time of her initial interview. Petitioner did not participate in the scheduled interview. The Department made several additional attempts to contact Petitioner for an interview but was unable to contact her for the interview. Therefore, the Department acted in accordance with policy when it denied Petitioner's SER and FIP application.

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 SER and FIP application. Accordingly, the Department's decision is **AFFIRMED**.

EM/cg



Ellen McLemore
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 Office of Administrative Hearings and Rules (MOAHR).

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

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

MDHHS-Calhoun-21-Hearings
B. Sanborn
B. Cabanaw
T. Bair
E. Holzhausen
BSC3- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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