



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: February 24, 2020
MOAHR Docket No.: 20-000487
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, a telephone hearing was held on February 19, 2020, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services was represented by Candace Baker.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Family Independence Program (FIP) benefits?

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 ██████████ 2019, the Department received Petitioner's application for Family Independence Program (FIP) benefits. Exhibit A, p 4.
2. On November 15, 2019, the Department notified Petitioner that she is not eligible for the Family Independence Program (FIP). Exhibit A, p 6.
3. Department records show that Petitioner was found to be noncompliant with employment and/or self-sufficiency-related activities and was disqualified from the Family Independence Program (FIP) as of February 1, 2008, May 1, 2009, and May 13, 2011. Exhibit A, pp 7-8.
4. On January 11, 2020, the Department received Petitioner's request for a hearing protesting the denial of her Family Independence Program (FIP) application.

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.

Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by Michigan Department of Health and Human Services (MDHHS) when the client applies for cash assistance. The Partnership. Accountability Training. Hope. (PATH) program requirements, education and training opportunities, and assessments will be covered by PATH when a mandatory PATH participant is referred at application. Department of Health and Human Services Bridges Eligibility Manual (BEM) 229 (October 1, 2015), p 1.

Noncompliance by a WEI while the application is pending results in group ineligibility. A WEI applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed. BEM 233A, p 7. As a condition of eligibility, all WEIs and non-WEIs must work or engage in employment and/or self-sufficiency-related activities. Case closure for a minimum of three months for the first episode of noncompliance, six months for the second episode of noncompliance and lifetime closure for the third episode of noncompliance. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233A (January 1, 2020), pp 1-15.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, the Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2010), pp 6-7, provides in relevant part as follows:

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days.

The Department determined that Petitioner was noncompliant with employment and/or self-sufficiency-related activities on three occasions without good cause and disqualified her from receiving FIP benefits for life as directed by BEM 233A. Petitioner's

January 11, 2020, request for a hearing is not timely with respect to her lifetime disqualification from FIP because it was not received within 90 days of the disqualification. Therefore, she is not entitled to a hearing protesting the finding that she had been noncompliant with employment and/or self-sufficiency-related activities on three occasions without good cause.

On [REDACTED] 2019, the Department received Petitioner's application for FIP benefits. On November 15, 2019, the Department notified Petitioner that she is not eligible for FIP benefits based on her lifetime disqualification from that program.

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 application for Family Independence Program (FIP) benefits based on her lifetime disqualification from that program.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



Kevin Scully
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

