



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: January 19, 2021  
MOAHR Docket No.: 20-007329  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 January 13, 2021. Petitioner represented herself. The Department was represented by Amber Gibson.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for cash assistance?

### **FINDINGS OF FACT**

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

1. Department records indicate that on [REDACTED], 2020, the Department received Petitioner's application for Family Independence Program (FIP) benefits. Exhibit A, p 5.
2. On September 25, 2020, the Department sent Petitioner an Appointment Notice (DHS-170) scheduling a telephone eligibility interview for 8:30 a.m. on October 6, 2020. Exhibit A, pp 6-7.
3. Department records indicate that on October 6, 2020, Petitioner's caseworker attempted to call her for the required eligibility interview, but no one answered the call. Exhibit A, p 5.
4. On October 7, 2020, the Department notified Petitioner that her application for Family Independence Program (FIP) benefits had been denied. Exhibit A, pp 8-12.

5. On [REDACTED] [REDACTED] the Department received Petitioner's request for a hearing protesting the denial of Family Independence Program (FIP) benefits. The request for hearing was not signed by Petitioner or a representative. Exhibit A, pp 3-4.

### **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 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 et seq, and Mich Admin Code, R 400.3101 through R 400.3131.

All clients have the right to request a hearing. Requests for a hearing must be made in writing and signed by an adult member of the eligible group, or the client's authorized hearing representative. Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), p 1.

In this case, the Department received Petitioner's request for a hearing protesting the denial of cash assistance on [REDACTED] [REDACTED]. The hearing record indicates that this request for assistance was not signed by Petitioner or a representative. Michigan Office of Administrative Hearings and Rules (MOAHR) will deny requests for hearings without signatures in accordance with BAM 600.

However, in the alternative, if Petitioner is entitled to a hearing protesting the denial of cash assistance, this Administrative Law Judge finds that the Department properly denied the application for the following reasons.

The purpose of an eligibility interview is to explain program requirements to the applicant and to gather information and examining the circumstances directly related to determining the group's eligibility for FIP benefits. If the client misses an interview appointment, the application for FIP benefits may be denied after the 10<sup>th</sup> day from the date the DHS-170, Appointment Notice, was sent. Department of Health and Human Services Bridges Administrative Manual (BAM) 115 (January 1, 2021), pp 17-24.

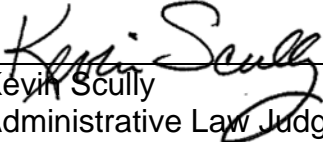
In this case, Petitioner applied for FIP benefits on [REDACTED] 2020, and the Department sent her an Appointment Notice (DHS-170) scheduling an eligibility interview for October 6, 2020. On October 6, 2020, Petitioner's caseworker attempted to conduct the eligibility interview by telephone, but no one answered her calls. On October 7, 2020, which was 12 days after the DHS-170 was mailed to Petitioner, the Department denied Petitioner's application for FIP benefits.

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 [REDACTED], 2020, application for Family Independence Program (FIP) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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

**DHHS**

Amber Gibson  
5303 South Cedar  
PO BOX 30088  
Lansing, MI  
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

**Petitioner**

[REDACTED] - via first class mail  
[REDACTED] MI