



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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[REDACTED] MI [REDACTED]

Date Mailed: February 17, 2023
MOAHR Docket No.: 22-006203
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on February 8, 2023 via teleconference. Petitioner appeared and represented herself. Caitlin Dodge, Assistance Payments Specialist, appeared on behalf of the Michigan Department of Health and Human Services (Michigan or Department).

ISSUE

Did MDHHS properly reinstate Petitioner's 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 December 1, 2022, Administrative Law Judge Christian Gardocki issued a Hearing Decision (*hereinafter* "December Decision") in Michigan Office of Administrative Hearings and Rules (MOAHR) Docket Number 22-004679 (Exhibit A, p. 33). The issue in that case was whether MDHHS properly imposed a child support disqualification to affect Petitioner's FIP eligibility (Exhibit A, p. 33). Administrative Law Judge Gardocki reversed MDHHS' determination, ordered MDHHS to supplement FIP benefits to Petitioner for August 2022 and the second half of October 2022, and to notify Petitioner of the determination results (Exhibit A, p. 37).
2. On December 6, 2022, MDHHS sent Petitioner a Notice of Case Action, indicating she was approved for FIP benefits from August 1, 2022 to August 31, 2022 at a

benefit rate of \$492.00 per month and from October 1, 2022 to October 31, 2022 at a decreased benefit rate of \$246.00 per month (Exhibit A, p. 42).

3. On December 13, 2022, the MDHHS FIP/State Disability Assistance (SDA) Policy Team sent an email to MDHHS Family Independence Manager stating that it could no longer process the request for the August 2022 children's clothing allowance because all requests needed to be in by September 30, 2022 (Exhibit A, p. 42).
4. On December 29, 2022, Petitioner filed a Request for Hearing (Exhibit A, pp. 4-6).

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. MDHHS 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.

In this case, MDHHS reinstated Petitioner's FIP benefits retroactively to comply with the December Decision. The December Decision found that MDHHS wrongfully closed Petitioner's FIP case for the month of August 2022 and the second half of October 2022. The December Decision found that Petitioner was disqualified from receiving FIP benefits for September 2022 due to a child support-related disqualification. When reinstating Petitioner's FIP benefits and issuing supplements, MDHHS determined that it could not retroactively approve the August 2022 children's clothing allowance because all requests were due by September 30, 2022 (Exhibit A, p. 47). Petitioner filed a Request for Hearing to dispute MDHHS's failure to supplement her for the August 2022 children's clothing allowance.

Reinstatement restores a closed program to active status without the completion of a new application. BAM 205 (January 2022), p. 1. Closed programs may be reinstated for a variety of reasons, including when a hearing decision ordered reinstatement. *Id.* After a reinstatement, MDHHS must determine eligibility and the amount of program benefits for the month of reinstatement and any months during which the program was closed, as if the program had not been closed. *Id.* Once a reinstatement is certified, any and all benefits due to the client will be issued. *Id.* Supplemental payments are issued to correct to groups that received less than they were eligible to receive. BAM 405 (July 2013), p. 1.

The children's clothing allowance is a supplement for FIP groups eligible for the children's clothing allowance in a given year when funding becomes available. BAM 405, p. 4. Bridges—MDHHS' internal eligibility and case management system—automatically issues a supplement for active FIP groups with children. *Id.* Supplements are viewable the day following the processing date. *Id.* When a child is added to an active case, MDHHS issues a manual supplement. *Id.* When funding is available, MDHHS will issue an Interim Policy Bulletin stating the effective month. *Id.*

On July 25, 2022, MDHHS issued ESA Memo 2022-33 regarding the children's clothing allowance. The Memo stated that the children's clothing allowance for the 2022 fiscal year was \$304.00 per child and all children eligible for FIP during August 2022 will receive the allowance. The Memo further stated:

Any request for new FIP EDG openings or member adds for August 2022 that are processed after the initial clothing allowance monthly payroll run for August will require an exception....Requests for clothing allowance exceptions after **September 30, 2022** will be denied. Once the funding for the children's clothing allowance is depleted, there will be **no additional funds** allocated, regardless of the eligibility of the FIP EDG.

Michigan Department of Health and Human Services, Economic Stability Administration (ESA), ESA Memorandum 2022-33, July 25, 2022.

The record shows that MDHHS reinstated Petitioner's regular FIP benefits, pursuant to the December Decision. However, the children's clothing allowance supplement is funding dependent and could not be issued retroactively, pursuant to ESA Memo 2022-33. ESA Memo 2022-33 definitively stated that requests for clothing allowance exceptions after September 30, 2022 would be denied. Although through no fault of her own, Petitioner's request was received after the deadline, and thus, cannot be granted.

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 MDHHS acted in accordance with Department policy when it reinstated Petitioner's FIP benefits.

DECISION AND ORDER

Accordingly, MDHHS decision is **AFFIRMED**.



LJ/tm

Linda Jordan
Administrative Law Judge

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-Electronic Mail :

DHHS
Chelsea McCune
Macomb County DHHS Warren Dist.
13041 E 10 Mile
Warren, MI 48089
**MDHHS-Macomb-20-
Hearings@michigan.gov**

Interested Parties
B. Sanborn
BSC4

Via-First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]