



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: August 20, 2018
MAHS Docket No.: 18-004445
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's April 26, 2018 hearing request, 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 August 15, 2018, from Lansing, Michigan. [REDACTED] Petitioner, and [REDACTED] Petitioner's spouse, appeared for Petitioner. Shanna Ward, Eligibility Specialist, appeared for the Department. Dina Ani provided Arabic interpreter services.

One exhibit was admitted into evidence during the hearing. A 46-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUES

Did the Department properly determine Petitioner's cash assistance benefits (FIP)?

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 March 19, 2018, Petitioner applied for FIP benefits from the Department.
2. On April 20, 2018, the Department found that Petitioner had met the requirements to be eligible for FIP benefits.
3. On April 25, 2018, the Department issued a Notice of Case Action to Petitioner which notified him that he was approved for FIP benefits. The Notice advised that the Department had approved Petitioner for \$414.00 in FIP benefits from April 16, 2018, through April 30, 2018, and \$828.00 in FIP benefits per month starting May 1, 2018.

4. On [REDACTED] Petitioner filed a hearing request to dispute the Department's decision to only grant him \$414.00 in FIP benefits for April 2018.

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.

When a client applies for FIP benefits and meets all eligibility requirements, the Department begins FIP benefits in the pay period in which the application becomes 30 days old. BAM 115 (January 1, 2018), p. 27. Here, Petitioner applied for FIP benefits on March 19, 2018, and met all the eligibility requirements. The Department approved Petitioner for FIP benefits starting April 16, 2018. The Department approved Petitioner for \$414.00 in FIP benefits for April and \$828.00 per month thereafter. The Department approved Petitioner for only \$414.00 in FIP benefits for April because Petitioner was not approved for FIP benefits for the entire month since his FIP benefits could not start until 30 days after his application. The Department acted in accordance with its policy.

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 April 25, 2018 Determination.

IT IS ORDERED the Department's April 25, 2018, Determination is AFFIRMED.

JK/nr



Jeffrey Kemm
Administrative Law Judge
for Nick Lyon, 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

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]
MI