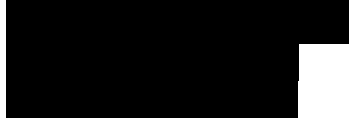




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 18, 2018
MAHS Docket No.: 18-010993
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's request for a hearing, 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 December 12, 2018, from Lansing, Michigan. Petitioner, [REDACTED], appeared and represented herself. Hearing Facilitator, Candice Bennis, and Family Independence Specialist, Kathy Cameron, appeared for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 9-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's request for Family Independence Program (FIP) 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. Petitioner is the guardian of two of her grandchildren, and Petitioner has physical custody of them.
2. On July 30, 2018, the Department received documentation verifying that Petitioner was the legal guardian of her two grandchildren and that Petitioner had physical custody of them.

3. On [REDACTED], 2018, Petitioner applied for FIP assistance from the Department. In Petitioner's application, Petitioner asserted that her household was composed of herself and her two grandchildren.
4. On August 16, 2018, the Department issued a Notice of Case Action which notified Petitioner that her request for FIP was denied because her grandchildren were active on another case (their sibling's case).
5. On October 17, 2018, Petitioner filed a hearing request to dispute the Department's decision.

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.

Here, the Department determined that Petitioner's household did not include her grandchildren for purposes of FIP. The Department's determination of Petitioner's group size for FIP was not in accordance with its policies because Petitioner was the legal guardian of her grandchildren and they were living together at the time Petitioner applied for FIP. A group for FIP includes a parent or primary caretaker and dependent children living in the same household together. BEM 210 (April 1, 2017), p. 1. Since Petitioner was the legal guardian of her grandchildren and since they were living together, the Department should have found that Petitioner's group size included her grandchildren.

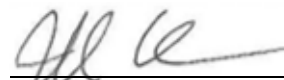
DECISION AND ORDER

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 not act in accordance with its policies and the applicable law when it denied Petitioner's request for FIP.

IT IS ORDERED the Department's decision is **REVERSED**.

IT IS FURTHER ORDERED that the Department shall initiate a reevaluation of Petitioner's eligibility for FIP.

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

Deborah Little
5131 Grand River Ave.
Detroit, MI
48208

Wayne 49 County DHHS- via electronic
mail

BSC4- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

