GRETCHEN WHITMER GOVERNOR

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

ORLENE HAWKS DIRECTOR



Date Mailed: August 9, 2019 MOAHR Docket No.: 19-006779

Agency No.: Petitioner:

ADMINISTRATIVE LAW JUDGE: John Markey

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 telephone hearing was held on August 8, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Gregory Folsom, Hearings Facilitator. During the hearing, a 50-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-50.

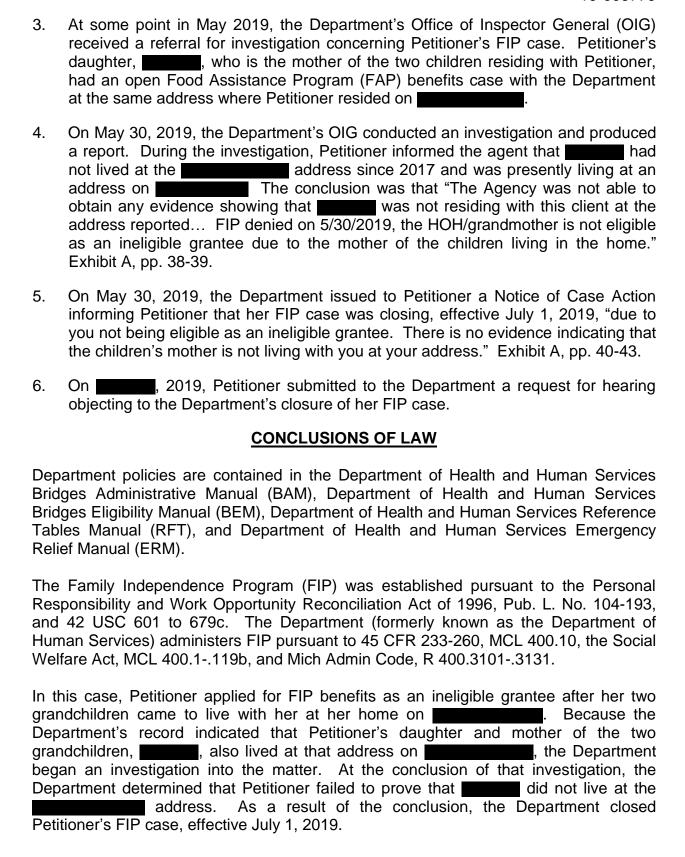
<u>ISSUE</u>

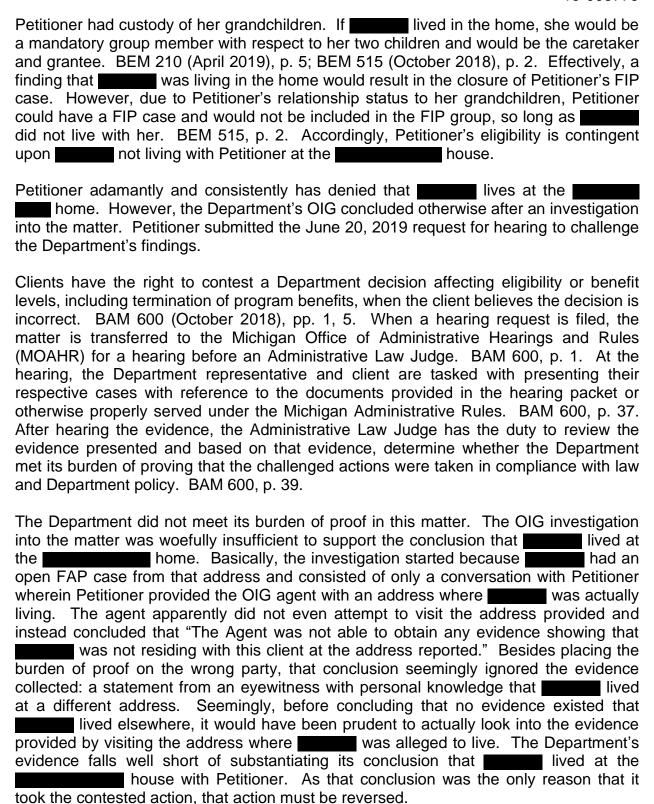
Did the Department properly close Petitioner's Family Independence Program (FIP) cash assistance case, effective July 1, 2019?

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, Petitioner submitted an application for FIP cash assistance to the Department. On the application, Petitioner indicated that her household consisted of herself and her two grandchildren, who all lived at Petitioner's house on Exhibit A, pp. 4-11.
- 2. On May 13, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her application for FIP benefits was approved, effective June 1, 2019, ongoing. Exhibit A, pp. 28-31.





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 Department policy when it closed Petitioner's FIP case, effective July 1, 2019.

DECISION AND ORDER

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. Reinstate Petitioner's FIP case back to July 1, 2019, ongoing;
- 2. If Petitioner is eligible for additional benefits she did not receive as a result of the improper closure, promptly issue to Petitioner a supplement;
- 3. Provide continued benefits that Petitioner is eligible to receive pursuant to law and Department policy;
- 4. If the Department believes that there has been a change in circumstances that would negatively impact Petitioner's eligibility for FIP benefits, follow Department policy in verifying attempting to verify that information; and
- 5. Notify Petitioner in writing of its decisions.

JM/cg

John Markey

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

Via Email: MDHHS-Genesee-Clio Rd.- Hearings

B. SanbornB. Cabanaw

BSC2- Hearing Decisions

MOAHR

Petitioner - Via First-Class Mail:

