



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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

Date Mailed: November 6, 2019
MOAHR Docket No.: 19-009496
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 October 17, 2019, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Markita Mobley and Darnell Perkins.

ISSUE

Did the Department properly deny Petitioner's eligibility determination group a clothing allowance?

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 was approved for Family Independence Program (FIP) benefits on August 1, 2019. Exhibit 3.
2. On July 31, 2019, funding for the clothing allowance had been exhausted. Exhibit 1.
3. On August 27, 2019, the Department received Petitioner's request for a hearing protesting the Department's failure to issue a clothing allowance.

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.

The 2019 Fiscal Appropriations Act included funding for the children's clothing allowance. The FIP eligibility determination group must have an eligible dependent child on an active FIP eligibility determination group. The Department will automatically issue the clothing allowance to FIP eligibility determination groups with qualifying children who are eligible for August FIP payments as of the single deadline date of July 31, 2019. Department of Health and Human Services Bridges Summary of Manual Updates/Bulletin (BPB) 2019-011 (August 1, 2019), pp 1-2.


Petitioner was approved for FIP benefits on August 1, 2019. The eligibility determination date came after the deadline to receive the clothing allowance. Since the clothing allowance is paid based on available budgeted funds and not on eligibility criteria, the Department did not issue the clothing allowance to Petitioner in this case.

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 the clothing allowance to Petitioner, who was found eligible for FIP benefits after the July 31, 2019, deadline.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/hb



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

Keisha Koger-Roper
12140 Joseph Campau
Hamtramck, MI 48212

Wayne County (District 55), DHHS

BSC4 via electronic mail

B. Cabanaw via electronic mail

G. Vail via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI [REDACTED]