



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]

Date Mailed: October 23, 2019  
MOAHR Docket No.: 19-010094  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**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 October 16, 2019 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED] PATH Worker, and [REDACTED] Assistance Payments Supervisor. During the hearing, a nine-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-9.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) cash assistance case, effective August 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. Petitioner was an ongoing recipient of FIP cash assistance from the Department. Her benefits were approved through July 31, 2019.
2. In order to determine Petitioner's ongoing eligibility for FIP cash assistance, the Department issued a June 4, 2019 Redetermination packet to Petitioner at her address of record. Petitioner was instructed to fill out the form and return it to the Department by July 1, 2019 in order to prevent the closure of her benefits case, effective August 1, 2019. Exhibit A, pp. 5-6.

3. Petitioner did not return the completed Redetermination to the Department by the deadline.
4. On July 3, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her FIP cash assistance case would be closing, effective August 1, 2019.
5. On September 9, 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's closure of her FIP cash assistance case, effective August 1, 2019.

### **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.

In this case, Petitioner objects to the Department's closure of her FIP cash assistance case, effective August 1, 2019, which was caused by Petitioner's failure to timely turn into the Department a completed Redetermination form.

Periodically, the Department must redetermine or renew a client's eligibility for Department-issued benefits by the end of each benefit period. BAM 210 (April 2019), pp. 1, 4. The redetermination process includes thorough review of all eligibility factors. BAM 210, p. 1. If a redetermination is not completed and a new benefit period certified, benefits stop at the end of the benefit period. BAM 210, p. 4. To initiate the redetermination process, the Department issues to clients a redetermination form; that form must be completed and returned to the Department in a timely manner. BAM 210, p. 1. If the Department does not receive that form by the negative action cut-off date of the redetermination month, the Department closes the case at the end of the benefit period. BAM 210, p. 13.

Petitioner's benefit period was set to expire on July 31, 2019. The Department properly issued the Redetermination packet to Petitioner's address of record in a timely manner on June 4, 2019. The Department did not receive the completed form back from Petitioner before the negative action cut-off date, or at any time thereafter for that

matter. Thus, law and Department policy compelled the Department to close Petitioner's FIP cash assistance case, effective August 1, 2019.

During the hearing, Petitioner explained that she was dealing with medical difficulties that at times had her in and out of the hospital. However, based on Petitioner's explanation, she did not go into the hospital until well after she would have received the Redetermination by mail and was out of the hospital for the vast majority of the relevant time period anyways. Petitioner admitted to not checking her mail and delegating that responsibility to her ■■■ year old child, who Petitioner blamed for apparently not being careful enough in sorting through her mother's mail. Petitioner's decision to neglect her duty to responsibly monitor her mail in no way excuses her failure to timely submit the documentation to the Department.

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 closed Petitioner's FIP cash assistance case, effective August 1, 2019.

#### **DECISION AND ORDER**

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

JM/tm



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**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

**DHHS**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**CC:**

[REDACTED]  
[REDACTED]