



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: July 16, 2020
MOAHR Docket No.: 20-003954
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

Following Petitioner's 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 July 15, 2020. Petitioner, [REDACTED], appeared and represented herself. Respondent, Department of Health and Human Services (Department), had Donna Marcum, Eligibility Specialist, and Ryan Clemons, Family Independence Manager, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. An 18-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) cash assistance when the Department denied Petitioner's request on March 5, 2020?

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 requested FIP cash assistance from the Department.
2. Prior to Petitioner's request, Petitioner had received more than 60 months of FIP cash assistance from the Department.
3. The Department reviewed Petitioner's request for FIP cash assistance and determined that it had to be denied because Petitioner had received the maximum number of months of FIP cash assistance.

4. On March 5, 2020, the Department mailed a notice of case action to Petitioner to notify her that her request for FIP cash assistance was denied because she had received 60 or more months of FIP cash assistance.
5. On March 12, 2020, Petitioner requested a hearing to dispute the Department's denial.

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 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.

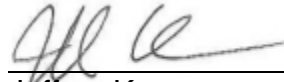
In this case, the Department denied Petitioner's request for FIP cash assistance because the Department determined that Petitioner had received the maximum number of months of FIP cash assistance. Petitioner is disputing the denial. FIP cash assistance is intended to be temporary. BEM 234 (July 1, 2013), p. 1. In general, the maximum number of months of FIP cash assistance a family may receive is 60 months. *Id.* at 1-2. Petitioner did not present any evidence to establish that the 60-month time limit did not apply to her. Therefore, the 60-month time limit applied to Petitioner, and the Department properly denied Petitioner's request because Petitioner had received more than 60 months of FIP cash assistance at the time that she requested FIP cash assistance from the Department.

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 the Department denied Petitioner's request for FIP cash assistance.

IT IS ORDERED the Department's decision is AFFIRMED.

JK/ml



Jeffrey Kemm
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

Washtenaw County DHHS – Via
Electronic Mail

BSC4 – Via Electronic Mail

G. Vail – Via Electronic Mail

B. Cabanaw – Via Electronic Mail

Petitioner

[REDACTED] – Via First Class Mail
[REDACTED]
MI [REDACTED]