



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: January 6, 2021
MOAHR Docket No.: 20-006254
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 29, 2020. [REDACTED], the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Jessica Kirchmeier, Hearing Coordinator.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-39.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case?

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 October 22, 2019, Petitioner submitted a Change Report stating she had moved on October 20, 2019. Petitioner did not report anyone else was in the home but did provide the rent amount as well as her old and new address. Petitioner also reported a change in her income. (Exhibit A, pp. 12-13)
2. On March 13, 2020, Petitioner submitted a Redetermination for Food Assistance Program (FAP) and Medical Assistance (MA). In part, Petitioner reported household members: of herself; her son [REDACTED]; three friends [REDACTED], and [REDACTED] as well as her boyfriend [REDACTED]. Petitioner reported that she buys and fixes food separately from the friends and her boyfriend. (Exhibit A, pp. 17-30)

3. On August 24, 2020, Petitioner submitted a Renew Benefits for FAP and FIP. In part, Petitioner reported that the household members were herself and a [REDACTED] old child, [REDACTED]. Notes were added after a September 1, 2020 interview, in part indicating that Petitioner lives with seven other people, including [REDACTED]. Petitioner has been living with [REDACTED] since October 2019. [REDACTED] income was also noted. (Exhibit A, pp. 14-16)
4. Petitioner and [REDACTED] are the parents of the child in the home, [REDACTED] (Exhibit A, p. 4)
5. The Department added [REDACTED] to the FIP case because he is a mandatory group member. [REDACTED] income was then included when determining eligibility for FIP. (Exhibit A, p. 4)
6. A written decision notice was issued to Petitioner regarding the FIP closure due to being over the income limit. (Exhibit A, p. 4)
7. On September 15, 2020, the local Department office received Petitioner's hearing request contesting the Department's determination¹. (Exhibit A, pp. 6-11)

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.

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG:

- Dependent child.
- Child's legal parent(s).

¹ The hearing request was marked that Petitioner was contesting actions regarding FIP and FAP. However, Petitioner confirmed that at the time the hearing request was filed, she was not contesting a FAP case action or the current amount of her FAP benefits. Rather, Petitioner was concerned about what the FAP benefits would be once the redetermination was completed for that program. Accordingly, there was no hearable issue to address regarding FAP. As discussed, Petitioner may file a timely hearing request once the FAP determination is made if she disagrees with that case action.

- Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common).
- Legal parent(s) of the child's siblings.
- Child's legal stepparent, even after death of or divorce from the parent.
- Child's legal stepsiblings, who meet the definition of a dependent child, even after death of or divorce from the parent.
- Child's child.

BEM 210, July 1, 2020, p. 5

In this case, the Department closed Petitioner's FIP case because once a mandatory group member was added, the group's income exceeded the limit for this program.

Petitioner has not always accurately reported all household members. For example, on October 22, 2019, Petitioner submitted a Change Report stating she had moved on October 20, 2019. Petitioner did not report anyone else was in the home. (Exhibit A, pp. 12-13) Petitioner's testimony indicated that several others were also living in that home, including [REDACTED]. Petitioner asserted that she filled out the change report before she moved. Therefore, she did not yet know who all would be living in the home. Petitioner explained that she had to be out of her old place by November 1, 2020. (Petitioner Testimony) However, on the Change Report, Petitioner stated she had moved October 20, 2019, two days before she signed and submitted this form. Further, during the September 1, 2020 interview, Petitioner reported that she had been living with [REDACTED] since October 2019. (Exhibit A, p. 14)

On March 13, 2020, Petitioner submitted a Redetermination for FAP and MA. In part, Petitioner reported household members: of herself; her son [REDACTED] three friends [REDACTED] as well as her boyfriend [REDACTED]. Petitioner reported that she buys and fixes food separately from the friends and her boyfriend. (Exhibit A, pp. 17-30) It appears that on this Redetermination form Petitioner accurately reported the household composition. However, it appears that [REDACTED] was not added to the FIP case at that time because Department was unaware that [REDACTED] was the father of [REDACTED].

On August 24, 2020, Petitioner submitted a Renew Benefits for FAP and FIP. In part, Petitioner reported that the household members were herself and a [REDACTED] old child, [REDACTED]. After a September 1, 2020 interview, notes were added to this form. The notes indicate that during the interview, Petitioner reported that she lives with seven other people, including [REDACTED]. It was reported that Petitioner had been living with [REDACTED] since October 2019. [REDACTED] employment and income were also noted. (Exhibit A, pp. 14-16) Further, while the copies included in the Department's evidence packet are not clear, it appears that the Department gathered verification of [REDACTED] current earned income at that time. (Exhibit A, pp. 31-39)

Petitioner and [REDACTED] are the parents of the child in the home, [REDACTED] (Exhibit A, p. 4) Therefore, the Department added [REDACTED] to the FIP case because he is a mandatory group member. [REDACTED] income was then included when determining eligibility for FIP. (Exhibit A, p. 4) A written decision notice was issued to Petitioner regarding the FIP closure due to being over the income limit. (Exhibit A, p. 4)

Petitioner's testimony indicated she now understands that [REDACTED] is required to be included in the FIP group under the Department policy. Petitioner indicated that [REDACTED] jobs are only part time and his hours have recently been reduced. For example, the job at [REDACTED] was seasonal and the [REDACTED] job has been affected by children not going back to school due to COVID. (Petitioner Testimony)

This ALJ must review the Department's action based on the circumstances at that time. The Department properly added [REDACTED] to Petitioner's FIP case as a mandatory group member because he is the father of [REDACTED] Accordingly, [REDACTED] income had to be considered in determining the ongoing eligibility for FIP. The Department properly determined that the group was not eligible for ongoing FIP based on the information available at the time of the September 2020 determination.


Petitioner's testimony indicated that [REDACTED] hours have been reduced since the Department's determination. Petitioner may wish to re-apply for FIP and provide verification of [REDACTED] current income if he is still a household member.

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 case.

DECISION AND ORDER

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

CL/ml



Colleen Lack
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

Jessica Kirchmeier
Eaton County MDHHS – via electronic
mail

BSC2 – via electronic mail

G. Vail – via electronic mail

B. Cabanaw – via electronic mail

Petitioner

[REDACTED] – via first class mail

[REDACTED]
[REDACTED] MI [REDACTED]