



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED], MI [REDACTED]

Date Mailed: January 19, 2021  
MOAHR Docket No.: 20-007235  
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 January 13, 2021. Petitioner represented herself. The Department was represented by April Nemec.

### **ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for cash assistance?

### **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 [REDACTED] 2020, the Department received Petitioner's application for cash assistance. Exhibit A, pp 8-13.
2. Department records indicate that Petitioner has been sanctioned for noncompliance with required employment and self-sufficiency-related activities without good cause on three separate occasions. Exhibit A, pp 15 and 28-43.
3. Department records indicate that Petitioner applied for Supplemental Security Income (SSI) benefits in 2019, but that she does not have a currently pending application with the Social Security Administration. Exhibit A, pp 16-18.
4. On November 5, 2020, the Department notified Petitioner that she is not eligible for cash assistance. Exhibit A, pp 19-24.
5. On [REDACTED] [REDACTED] the Department received Petitioner's request for a hearing protesting the denial of cash assistance. Exhibit A, p 7.

## 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 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1 *et seq.* The Department administers the SDA program pursuant to 42 CFR 435, MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq.*, and Mich Admin Code, R 400.3151 through 400.3180.

All clients have the right to request a hearing. Requests for a hearing must be made in writing and signed by an adult member of the eligible group, or the client's authorized hearing representative. Department of Health and Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), p 1.

In this case, the Department received Petitioner's request for a hearing protesting the denial of cash assistance on November 9, 2020. The hearing record indicates that this request for assistance was not signed by Petitioner or a representative. Michigan Office of Administrative Hearings and Rules (MOAHR) will deny requests for hearings without signatures in accordance with BAM 600.

However, in the alternative, if Petitioner is entitled to a hearing protesting the denial of cash assistance, this Administrative Law Judge finds that the Department properly denied the application for the following reasons.

Clients must be made aware that public assistance is limited to 48 months to meet their family's needs and they must take personal responsibility to achieve self-sufficiency. This message, along with information on ways to achieve independence, direct support services, non-compliance penalties, and good cause reasons, is initially shared by Michigan Department of Health and Human Services (MDHHS) when the client applies for cash assistance. The Partnership. Accountability Training. Hope. (PATH) program requirements, education and training opportunities, and assessments will be covered by PATH when a mandatory PATH participant is referred at application. Department of Health and Human Services Bridges Eligibility Manual (BEM) 229 (January 1, 2021).

Recipients of FIP benefits who fail, without good cause, to participate in required employment or self-sufficiency-related activities, will be penalized with a lifetime

disqualification from FIP after a third episode of noncompliance. Department of Health and Human Services Bridges Eligibility Manual (BEM) 233A (January 1, 2020), p 1.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. Department of Human Services Bridges Administrative Manual (BAM) 600 (January 1, 2020), pp 6-7.

Department records indicate that it notified Petitioner that she would be penalized for noncompliance with employment or self-sufficiency-related activities on three occasions. Petitioner is no longer entitled to a hearing protesting the validity of those findings of noncooperation because more than 90 days have passed since the Department notified her of the penalties for noncompliance. Therefore, Petitioner is subject to a lifetime disqualification from FIP.

On [REDACTED] 2020, the Department received Petitioner's application for cash assistance. Cash assistance included FIP benefits. Because Petitioner is subjected to a lifetime disqualification from FIP, she is not eligible for any FIP benefits. The Department properly denied Petitioner's [REDACTED], 2020, application with respect to FIP benefits.

Petitioner testified that she did not understand the consequences of a lifetime disqualification from FIP, and that the lifetime disqualification should not be applied towards her current circumstances.

The Petitioner's grievance centers on dissatisfaction with the Department's current policy. The evidence supports a finding that Petitioner received a lifetime disqualification from FIP. Administrative Law Judges have no authority to make exceptions to the department policy set out in the program manuals.

Cash assistance also includes SDA benefits. It is a condition of eligibility for SDA benefits that eligible individuals must apply for any state and/or federal benefits for which they may be eligible. This includes applying for disability benefits with the Social Security Administration (SSA). Department of Health and Human Services Bridges Eligibility Manual (BEM) 270 (July 1, 2020), pp 1-8.

Petitioner does not receive any benefits based on disability and has not received any determination that she is disabled. The hearing record indicates that she applied for SSI benefits in 2019, but no evidence was presented on the record that Petitioner had a pending application for SSI in November of 2020, or that she had a pending appeal of the denial of SSI benefits.

Petitioner testified that she has a pending application for SSI benefits. This claim is not supported by the hearing record, and Petitioner did not offer any evidence of a pending application or current appeal with the SSA at the time the Department denied her cash assistance application.

This Administrative Law Judge finds that Petitioner has failed to establish that she has taken action to become eligible for disability related social security benefits and is

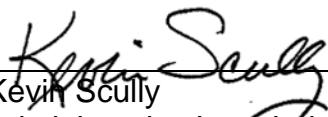
therefore currently eligible for SDA benefits. Therefore, she is not entitled to a review by the Department to determine whether she is currently disabled.

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 Petitioner's application for cash assistance, including Family Independence Program (FIP) and State Disability Assistance (SDA) benefits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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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**

Tamara Morris  
125 E. Union St 7th Floor  
Flint, MI  
48502

Genesee Union St. County DHHS- 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]