



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: September 20, 2021
MOAHR Docket No.: 21-003753
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 September 9, 2021. Petitioner represented himself. 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 F [REDACTED], 2021, the Department received Petitioner's application for cash assistance as a household of one. Exhibit A, pp 8-12.
2. Petitioner reported on his [REDACTED], 2021, application for assistance that he is not living in a facility for special living arrangement, that he is not applying or planning to apply for Social Security disability benefits or receiving Michigan Rehabilitation Services. Exhibit A, pp 9-10.
3. On March 1, 2021, the Department notified Petitioner that he is not eligible for cash assistance. Exhibit A, pp 17-18.
4. On August 6, 2021, the Department received Petitioner's request for a hearing protesting the denial of cash assistance. Exhibit A, pp 5-6.

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.

On March 1, 2021, the Department notified Petitioner that he is not eligible for cash assistance, including both SDA and FIP benefits. On [REDACTED], 2021, the Department received Petitioner's request for a hearing.

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 (March 1, 2021), pp 6-7.

Since Petitioner did not file his request for a hearing in a timely manner, the Michigan Office of Administrative Hearings and Rules (MOAHR) does not have jurisdiction to issue a decision on the denial of cash assistance.

However, in the alternative, if there is jurisdiction to hearing Petitioner's appeal, the Department's exhibits establish that the denial of cash assistance was done in accordance with Department policy.

Petitioner applied for cash assistance on [REDACTED], 2021. Since Petitioner applied as a household of one and he is not the caretaker of a minor child, it is clear that he is not eligible for FIP assistance. Based on the information Petitioner reported on his application form, he did not report that he is disabled or applying for disability benefits, or that is he receiving Michigan Rehabilitation Services benefits, or living in a special living arrangement.

Petitioner testified that his application was incomplete and that there are circumstances that were not listed on his application that make him potentially eligible for SDA benefits.

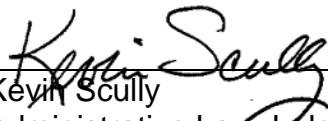
However, based on the information the Department had on March 1, 2021, there was no indication that Petitioner met any of the criteria for SDA benefits, or that further investigation into his circumstances was warranted.

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.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings and
Rules (MOAHR)

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