



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

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Date Mailed: April 20, 2022  
MOAHR Docket No.: 22-000267  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Linda Jordan**

**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 hearing was held on March 23, 2022 via teleconference. Petitioner appeared and represented himself. Zahra Chammout represented the Michigan Department of Health and Human Services (MDHHS or Department).

**ISSUE**

Did MDHHS properly deny Petitioner's application for Child Development and Care (CDC) and Family Independence Program (FIP/cash assistance) benefits?

**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 ██████████, 2021, Petitioner applied for various benefit programs, including CDC and FIP (Exhibit A, pp. 6-14).
2. On December 20, 2021, MDHHS contacted Petitioner by telephone and began conducting the eligibility interview (Exhibit A, p. 1). However, the phone was disconnected and MDHHS was unable to complete the interview (Exhibit A, p. 1).
3. On December 20, 2021, MDHHS sent Petitioner an Appointment Notice, indicating that he had an eligibility appointment scheduled on December 27, 2021 and that the specialist would call him at the scheduled date and time (Exhibit A, p. 15).
4. On December 27, 2021, MDHHS attempted to contact Petitioner for the scheduled interview but was unable to reach him (Exhibit A, p. 1).

5. On January 4, 2022, MDHHS sent Petitioner a Notice of Missed Appointment indicating that Petitioner missed his interview, and it was now his responsibility to contact MDHHS to reschedule the interview (Exhibit A, p. 16).
6. On January 10, 2022, MDHHS sent Petitioner a Notice of Case Action, indicating that his application for CDC and FIP had been denied (Exhibit A, pp. 23-27). The reason given for the denial was Petitioner failed to verify or allow MDHHS to verify information necessary to determine eligibility (Exhibit A, p. 25).
7. On [REDACTED] 2022, Petitioner filed a Request for Hearing to dispute the denial of his CDC and FIP application (Exhibit A, pp. 3-4).

### **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. MDHHS 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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. MDHHS administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, MDHHS denied Petitioner's CDC and FIP application because he failed to complete the eligibility interview. Petitioner filed a Request for Hearing challenging the denial of his application for CDC and FIP benefits.

After a client applies for benefits, MDHHS is required to register the application and interview the client when required by policy. BAM 115 (July 2021), p. 1. The purpose of the interview is to explain program requirements to the applicant and to gather information for determining the group's eligibility. *Id.*, p. 17. MDHHS is required to schedule interviews in a timely manner in order to meet the standard of promptness for each program. *Id.*, p. 24.

For CDC, MDHHS may not deny the application if the client has not participated in the scheduled initial interview until the tenth day after the scheduled interview, in order to

provide time for the client to reschedule. BAM 115, p. 19. If the client reschedules the interview and again fails to participate, then CDC may be denied. *Id.* For FIP, the specialist must conduct a telephone interview at application with each adult mandatory group member before approving benefits. *Id.*, p. 21. If a client misses an interview for FIP, the application may be denied after the tenth day from the date that the appointment notice was sent. BAM 115, p. 24.

In this case, MDHHS contacted Petitioner by telephone on December 20, 2021, however, the phone was disconnected and MDHHS was unable to complete the interview (Exhibit A, p. 1). Subsequently, MDHHS sent Petitioner an Appointment Notice, indicating that he had an eligibility appointment scheduled on December 27, 2021 and that the specialist would call him at the scheduled date and time (Exhibit A, p. 15). MDHHS testified that it attempted to contact Petitioner on December 27, 2021 but could not reach him and left him a voicemail message. After Petitioner missed the scheduled interview, MDHHS sent a Notice of Missed Appointment to Petitioner, which informed him that it was now his responsibility to contact MDHHS to reschedule the interview. MDHHS asserted that Petitioner did not contact MDHHS to reschedule the interview and Petitioner did not provide any evidence to the contrary. MDHHS denied Petitioner's application for FIP and CDC because more than ten days had passed since the scheduled interview and Petitioner had not attempted to reschedule the interview.

Therefore, 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 MDHHS acted in accordance with Department policy when it denied Petitioner's application for FIP and CDC benefits because he failed to complete the interview requirement.

### **DECISION AND ORDER**

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/tm

  

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**Linda Jordan**  
Administrative Law Judge

**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

**Via Email:**

MDHHS-Wayne-82-Hearings  
L. Brewer-Walraven  
B. Sanborn  
M. Schoch  
BSC4  
MOAHR

**Petitioner – Via First-Class Mail:**

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