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GOVERNOR

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

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DIRECTOR

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Date Mailed: April 18, 2022  
MOAHR Docket No.: 22-001192  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm**

**HEARING DECISION**

On March 7, 2022, Petitioner, ██████████, requested a hearing to dispute the Department's decision to deny his application for Family Independence Program (FIP) cash assistance benefits. 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 April 14, 2022. Petitioner appeared at the hearing and represented himself. Respondent, Department of Health and Human Services (Department), had Melissa Kingsley, Assistance Payments Supervisor, and Jennifer Jones, Eligibility Specialist, appear as its representatives. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 31-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

**ISSUE**

Whether the Department properly denied Petitioner's application for FIP 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. Petitioner and the mother of his child have joint custody of their child, L.W.
2. In 2020, L.W., began living with Petitioner.
3. On ██████████ 2022, Petitioner applied for FIP benefits from the Department; Petitioner listed L.W. as a household member in his application.
4. The Department reviewed Petitioner's application and determined that L.W. was receiving FIP and FAP on her mother's case.

5. The Department denied Petitioner's application for FIP because L.W. was receiving FIP on her mother's case; the Department approved Petitioner for FAP, but the Department excluded L.W. from Petitioner's group because L.W. was receiving FAP on her mother's case.
6. The Department reviewed the primary caretaker status of L.W., and the Department determined that Petitioner was L.W.'s primary caretaker.
7. The Department cancelled the FIP for L.W. on her mother's case, and the Department approved FIP for L.W. on Petitioner's case.
8. On March 9, 2022, the Department mailed a notice of case action to Petitioner to notify him that he was eligible for FIP effective March 1, 2022.
9. Petitioner requested a hearing to dispute the Department's decision to deny his application for FIP benefits. Petitioner asserted in his hearing request that he wanted FIP and FAP for L.W. back to June 10, 2021.

### **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.

In this case, the Department initially denied Petitioner's application for FIP because Petitioner requested FIP for his child, L.W., and L.W. was actively receiving FIP on her mother's case. Petitioner is disputing the Department's decision to deny his application for FIP. Based on the evidence presented, the Department properly denied Petitioner's application for FIP.

FIP is a cash assistance program designed to help individuals and families become self-sufficient. BEM 209 (January 1, 2022), p. 1. When an individual applies for cash assistance, the Department determines group composition and builds an eligibility determination group (EDG). In order to be eligible for FIP, an EDG must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker. BEM 210 (July 1, 2021), p. 1. When Petitioner applied for FIP, the Department initiated the process to determine Petitioner's EDG, and the Department discovered that L.W. was an active member of her mother's EDG. An individual cannot be a member of more than one EDG and receive assistance from multiple programs at the same time.

BEM222

(October 1, 2018), p. 1. Thus, since L.W. was an active member of her mother's EDG, L.W. could not be a member of Petitioner's EDG because that would result in L.W. receiving assistance from multiple programs at the same time. Therefore, the Department was required to deny Petitioner's application for FIP.

When a client applies for assistance for a child who is already receiving assistance on another case, the Department is required to reevaluate who the primary caretaker of the child is. BEM 210 at 14. When Petitioner applied for FIP and listed L.W. as a household member, the Department determined that the primary caretaker status of L.W. was disputed. The Department properly reviewed the primary caretaker status of L.W., and the Department determined that Petitioner was L.W.'s primary caretaker. The Department then properly cancelled the FIP for L.W. on her mother's case, and the Department properly approved FIP for L.W. on Petitioner's case.

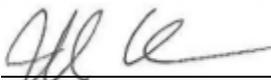
Petitioner asserted that he should receive FIP and FAP for L.W. back to June 2021 because L.W. has been living with him. As stated above, an individual cannot receive assistance from multiple programs at the same time. BEM 222 at 1. Although L.W. may have been living with Petitioner, Petitioner cannot receive assistance for L.W. for any months that L.W. was issued assistance on her mother's case because that would result in L.W. receiving assistance from multiple programs at the same time.

### **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 application for FIP benefits.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/mp



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**Jeffrey Kemm**  
Administrative Law Judge

