



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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██████████, MI ██████████

Date Mailed: November 7, 2022
MOAHR Docket No.: 22-004490
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 November 1, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Krista Hailey.

ISSUE

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for Family Independence Program (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. On July 12, 2022, the Department notified Petitioner that her Family Independence Program (FIP) benefits would be sanctioned.
2. On July 15, 2022, the Department received Petitioner's request.
3. On July 25, 2022, the Department received a Hearing Request Withdrawal signed by Petitioner.
4. On August 9, 2022, Michigan Office of Administrative Hearings and Rules (MOAHR) notified Petitioner that her hearing request had been dismissed.
5. On ██████████ ██████████ 2022, the Department received Petitioner's application for Family Independence Program (FIP) benefits.
6. On September 12, 2022, the Department notified Petitioner that her ██████████ ██████████ 2022, application had been denied because she was disqualified from the Family Independence Program (FIP).

7. On September 21, 2022, the Department received Petitioner's request for a hearing protesting the denial of Family Independence Program (FIP) benefits.

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.

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), p 1.

The penalty for noncompliance without good cause is FIP closure. Effective October 1, 2011, the following minimum penalties apply:

- For the individual's first occurrence of noncompliance, Bridges closes the FIP EDG for not less than three calendar months.
- For the individual's second occurrence of noncompliance, Bridges closes the FIP EDG for not less than six calendar months.
- For the individual's third occurrence of noncompliance, Bridges closes the FIP EDG for a lifetime sanction.

Department of Health and Human Services Bridges Eligibility Manual (BEM) 233A (October 1, 2022), p 8.

On July 12, 2022, the Department notified Petitioner that her FIP benefits would close and that she would be sanctioned for six calendar months. On July 15, 2022, the Department received Petitioner's hearing request. On July 25, 2022, the Department received Petitioner's Hearing Request Withdrawal, and on August 9, 2022, Petitioner was notified that her hearing request had been dismissed.

On [REDACTED] [REDACTED] 2022, the Department received Petitioner's application for FIP benefits, which was denied on September 12, 2022, due to the six-month sanction. On September 12, 2022, the Department received another request for a hearing.

The Department was acting in accordance with policy when it denied Petitioner's FIP application on September 12, 2022.

Although Petitioner does not agree with the July 12, 2022, closure and FIP penalty, Petitioner is not entitled to a second hearing to address this closure.

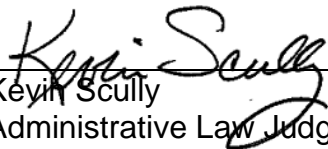
In order to protest the July 12, 2022, closure of FIP benefits, Petitioner will have to file a request for rehearing with MOAHR, and request that the August 9, 2022, dismissal be vacated. Petitioner was instructed on November 1, 2022, that if she intends to request a rehearing, that this request should be faxed to (517) 763-0155, or mailed to Michigan Office of Administrative Hearings and Rules, Reconsideration/Rehearing Request, P.O. Box 30639, Lansing, Michigan 48909-8139.

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 [REDACTED] [REDACTED] 2022, application for Family Independence Program (FIP) benefits.

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

Via-Electronic Mail :

DHHS
Cindy Tomczak
Berrien County DHHS
401 Eighth Street
Benton Harbor, MI 49023
**MDHHS-Berrien-
Hearings@michigan.gov**

Interested Parties
Berrien County DHHS
BSC3
G. Vail
B. Cabanaw
MOAHR

Via-First Class Mail :

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