



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR



Date Mailed: November 15, 2022  
MOAHR Docket No.: 22-004579  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie**

### **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 telephone hearing was held on November 1, 2022. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Tom Ayers, Family Independence Manager and Christine Zimmer, Family Independence Specialist. The Department Exhibit 1, pgs. 1-23, were introduced and made a part of the record.

### **ISSUE**

Did the Department properly determine that the Petitioner was not eligible for Family Independence Program (FIP)?

### **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] 2022, the Petitioner filed an application for FIP benefits.
2. On May 13, 2022, the Department Caseworker sent the Petitioner an Appointment Notice, MDHHS-170, for an appointment on Wednesday, May 18, 2022, at 9:00 a.m.
3. On May 18, 2022, the Department Caseworker called the Petitioner for her required interview for FIP eligibility, but the Petitioner failed to answer, and her mailbox was full so no message could be left.
4. On May 20, 2022, the Department Caseworker sent the Petitioner a Specialist Assignment Notice, DHS 193, that she had been transferred to a new specialist.

5. On May 25, 2022, the Department Caseworker sent the Petitioner a Specialist Assignment Notice, DHS 193, that she had been transferred to a new specialist.
6. On June 24, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that she failed to complete the required interview for FIP and as a result her application has been denied and she needed to reapply.
7. On July 15, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

### **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 Petitioner filed an application for FIP benefits on [REDACTED] 2022. On May 13, 2022, the Department Caseworker sent the Petitioner an Appointment Notice, MDHHS-170, for an appointment on Wednesday, May 18, 2022, at 9:00 a.m. On May 18, 2022, the Department Caseworker called the Petitioner for her required interview for FIP eligibility, but the Petitioner failed to answer, and her mailbox was full so no message could be left.

On May 20, 2022, the Department Caseworker sent the Petitioner a Specialist Assignment Notice, DHS 193, that she had been transferred to a new specialist. On May 25, 2022, the Department Caseworker sent the Petitioner a Specialist Assignment Notice, DHS 193, that she had been transferred to a new specialist. On June 24, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that she failed to complete the required interview for FIP and as a result her application has been denied and she needed to reapply. On July 15, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. BAM 110, 115, and 220.

During the hearing, the Petitioner stated that she got the appointment notice a day after the interview date. The notice was sent on May 13, 2022, for an interview on May 18, 2022, with only a 5 day turn around, which was not enough time. The Petitioner tried calling her old caseworker and the new caseworker, but no one called her back. The Department Caseworker stated that she had been overwhelmed with the additional caseload and client calls and she may have not been able to call the Petitioner back in a

timely manner. The Petitioner reapplied for FIP benefits on [REDACTED] 2022, but lost FIP benefits from May 10, 2022, through July 14, 2022.

**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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied the Petitioner's FIP application because she did not complete the required interview, but she received the notice after the interview date and called the Department multiple times without a return call in a timely manner resulting in the denial of her FIP application.

Accordingly, the Department's decision is **REVERSED**.

The Department is ordered to begin doing the following, in accordance with department policy and consistent with this hearing decision, of initiating a redetermination of the Petitioner's eligibility for FIP retroactive to her FIP application dated [REDACTED] 2022, by sending out a new Appointment Notice, DHS 170 for a FIP interview.

Based on policy, the Department should provide the Petitioner with written notification of the Department's revised eligibility determination and issue the Petitioner any retroactive benefits she may be eligible to receive, if any.

CF/cc



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**Carmen G. Fahie**  
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-Electronic Mail :**

**Interested Parties**

MDHHS-StJosephCo-Hearings  
BSC3-HearingDecisions  
B. Sanborn  
MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED] MI [REDACTED]