



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: November 21, 2022
MOAHR Docket No.: 22-004700
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 21, 2022, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was not present.

ISSUE

Did the Department properly follow policy when it failed to issue Petitioner the school clothing allowance for the 2022 school year or the September 2022 one-time supplement for Family Independence Program (FIP) recipients?

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 or around ██████████ 2022, Petitioner submitted an application for Family Independence Program (FIP) benefits.
2. On October 14, 2022, the Department determined Petitioner was not eligible for the children's clothing allowance/FIP supplement.
3. On ██████████ 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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, Petitioner submitted an application for FIP benefits on or around [REDACTED], 2022. Petitioner's FIP benefit case was approved. On October 14, 2022, Petitioner's worker requested the school clothing allowance and FIP supplement for Petitioner. The request was denied, as the funds allocated to the programs had been exhausted.

The 2022 Fiscal Appropriations Act included funding for the children's clothing allowance. BPB 2022-017, p. 1. The allowance is intended to assist FIP families to purchase school clothing for their children. BPB 2022-017, p. 1. All eligible children on the FIP EDG will receive the clothing allowance. The eligible child(ren) must be eligible for FIP during August 2022. BPB 2022-017, p. 1. Bridges will automatically issue supplements for the children's clothing allowance to FIP EDGs with qualifying children who are eligible for August FIP payments in Bridges as of the single deadline date of July 31, 2022. BPB 2022-017, p. 1. Any request for new FIP EDG openings or member adds for August 2022 that are processed after the initial clothing allowance monthly payroll run for August will require an exception. BPB 2022-017, p. 2. Once the funding for the children's clothing allowance is depleted, there will be no additional funds allocated, regardless of the eligibility of the FIP EDG. BPB 2022-017, p. 2.

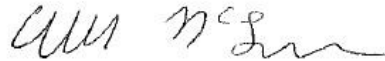
ESA 2022-37, which provides for a one-time \$800 FIP supplement for each eligible child in the FIP EDG as of August 31, 2022, was revised to provide that no supplements are available after September 28, 2022. Requests for new FIP EDG openings or member adds in September 2022 will require an exception and are dependent on available funding. Once funding for the one-time supplement is depleted, there will not be any additional funds allocated, regardless of the FIP EDG.

As Petitioner was not eligible for FIP benefits as of July 31, 2022, she was not automatically eligible for the clothing allowance or FIP supplement. When the request for the allowance/supplement was made, the funds had been exhausted. At the hearing, Petitioner disputed the Department's actions, as she had asked her worker to submit the exception beginning in August 2022. The Department was not present to dispute Petitioner's testimony. Although Petitioner may have requested the benefits in August 2022, the request was not made until October 2022. At the time the exception was

requested on Petitioner's behalf, the funds had been exhausted. Therefore, Petitioner is not eligible for the clothing allowance or FIP supplement. Clothing allowance/FIP supplement funds cannot be issued once the funds are depleted. Therefore, the Department acted in accordance with policy when it did not issue the school clothing allowance or FIP supplement to Petitioner.

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 acted in accordance with Department policy when it did not issue the school clothing allowance or FIP supplement to Petitioner. Accordingly, the Department's decision is **AFFIRMED**.



Ellen McLemore
Administrative Law Judge

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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
Tracy Felder
Wayne-Southwest-DHHS
2524 Clark Street
Detroit, MI 48209
**MDHHS-Wayne-41-
Hearings@michigan.gov**

Interested Parties

B. Sanborn
M. Schoch
BSC4
MOAHR

Via-First Class Mail :

Petitioner

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