



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 21, 2022
MOAHR Docket No.: 22-004786
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 16, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Emily Shadley.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the 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 August 14, 2022, the Department received notice that Petitioner's daughter had left another household and returned to her household as of August 3, 2022. Exhibit A, p 6.
2. On ██████████ ██████████ 2022, the Department received Petitioner's application for Family Independence Program (FIP) benefits as a household of two including her daughter. Exhibit A, pp 8-26.
3. On August 29, 2022, the Department sent Petitioner a FAST Referred Notice. Exhibit A, p 27.
4. On August 29, 2022, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification of her daughter's school attendance by September 8, 2022. Exhibit A, p 29.
5. On August 29, 2022, the Department notified Petitioner that she was scheduled for an eligibility interview on September 6, 2022. Exhibit A, p 32.

6. On September 30, 2022, the Department notified Petitioner that she was eligible for Family Independence Program (FIP) benefits as of September 16, 2022. Exhibit A, pp 33-41.
7. On October 13, 2022, the Department received Petitioner's request for a hearing protesting her eligibility for Family Independence Program (FIP) Pandemic Funds One-Time Supplement. Exhibit A, pp 3-5.

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.

Provided the group meets all eligibility requirements, the Department will start FIP assistance payments in the pay period in which the application becomes 30 days old. Department of Health and Human Services Bridges Administrative Manual (BAM) 116 (October 1, 2022), p 25.

All eligible children in a FIP benefit group will receive a one-time supplement if they are eligible for FIP by August 31, 2022. ESA Memo 2022-37.


On [REDACTED] [REDACTED] 2022, the Department received Petitioner's application for FIP benefits after her daughter moved into her household. After processing Petitioner's application, the Department determined that Petitioner was eligible for FIP benefits on September 30, 2022. Petitioner's eligibility for FIP benefits was determined in accordance with BAM 116, in that FIP payments begin in the pay period in which the application for FIP benefits becomes 30 days old. Further, one-time supplemental FIP benefits are available to children receiving FIP benefits before September 30, 2022.

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 processed Petitioner's ██████ 2022, application for Family Independence Program (FIP) benefits, and determined that Petitioner's daughter was not eligible for the Pandemic Funds One-Time Supplement.

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

