



GRETCHEN WHITMER  
GOVERNOR

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

ORLENE HAWKS  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: January 6, 2023  
MOAHR Docket No.: 22-005112  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 December 8, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Raven Douthard, Hearing Facilitator.

### **ISSUE**

Did the Department properly process 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 or around November 6, 2021, Petitioner became the temporary legal guardian of her niece, Child A. (Exhibit 1)
2. On or around [REDACTED] 2022, Petitioner submitted an application requesting FIP benefits for Child A.
3. On or around October 14, 2022, the Department sent Petitioner a Notice of Case Action, advising her that for the period of October 1, 2022, ongoing, Child A was approved for FIP benefits in the amount of \$158. (Exhibit A, pp. 6-10)
4. On or around October 31, 2022, Petitioner requested a hearing disputing the Department actions with respect to the FIP. (Exhibit A, p. 3)

5. There was no request for FIP benefits made on behalf of Petitioner's niece prior to September 2022.

### **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 requested a hearing on or around October 31, 2022, disputing the Department's actions with respect to the FIP. After some inquiry, Petitioner testified that she became the temporary legal guardian of Child A on or around November 6, 2021, and in ██████████ 2022, applied for Medical Assistance (MA) and Food Assistance Program (FAP) benefits for the child. Petitioner testified that the child was approved for MA but denied FAP benefits as the Department indicated Petitioner's income exceeded the limit. Petitioner testified that she inquired with her caseworker as to any additional programs Child A would be eligible for and was told by the Department that the child was not eligible for any other benefits or programs. Petitioner testified that in June 2022, she was in court for a related matter and was informed that Child A would be eligible for cash assistance, clothes vouchers, and FAP benefits. As a result, she submitted the application referenced above wherein she requested FIP benefits for Child A.

Petitioner asserted that because she was misinformed and given incorrect information by the Department, she did not apply for FIP benefits for Child A prior to the ██████████ 2022, application. Petitioner argued that she is entitled to back pay for FIP benefits that she should have received on behalf of the child and requested that she be supplemented for FIP benefits for the months of ██████████ 2022, ongoing, as that is when she initially submitted an application requesting assistance on behalf of the minor child.

At the hearing, it was established that the ██████████ 2022, FIP application was approved, and the Department sent the October 14, 2022, Notice of Case Action, advising Petitioner that the child would be receiving \$158 in monthly FIP benefits effective October 1, 2022.

The MDHHS-1171, Assistance Application and DCH-1426, is an application form used to request assistance from the Department including FIP benefits. BAM 110 (April

2022), pp. 1-4; BAM 115 (July 2022), pp. 1-2. The standard of promptness begins the date the Department receives an application. For FIP cases, the Department is to certify program approval or denial of the application and send the appropriate written notice advising of the eligibility decision within 45 days. BAM 115, pp. 15-16. For FIP cases, provided the group meets all eligibility requirements, the Department will begin assistance in the pay period in which the application becomes 30 days old and will issue initial benefits as appropriate. The FIP group is not eligible for benefits any earlier than the pay period in which the application becomes 30 days old. BAM 115, pp. 26-27; BAM 400 (July 2022), pp. 1-7.

Upon review, there was no evidence that Petitioner submitted any applications requesting FIP benefits for Child A prior to the [REDACTED] 2022, application, which was approved with the correct initial benefit date. Because Petitioner did not file an application for assistance prior to [REDACTED] 2022, FIP benefits cannot be issued to Petitioner for any period prior to that time.

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 [REDACTED] 2022, FIP application and approved Child A for FIP benefits beginning October 1, 2022.

**DECISION AND ORDER**

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

ZB/ml

  
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**Zainab A. Baydoun**  
Administrative Law Judge

