



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

██████████
██████████
██████████, MI ██████████

Date Mailed: December 29, 2022
MOAHR Docket No.: 22-005237
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 7, 2022, from Lansing, Michigan. ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator (HF).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-22.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits case?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner was receiving cash assistance under the FIP program based on having an eligible child in the home, her son B.C.
2. B.C. turned ██████ on ██████ 2022.
3. The Department determined that Petitioner would no longer be eligible for FIP after B.C. turned ██████ in August 2022. (Exhibit A, p. 14)
4. On July 30, 2022, a Notice of Case Action was issued to Petitioner, in part stating FIP would close effective September 1, 2022 because the group was no longer

eligible for FIP because no group member was an eligible child. (Exhibit A, pp. 8-13)

5. On August 16, 2022, a letter was sent to Respondent stating: the Department's records indicate she received FIP for a child in the home; additional funds were made available through federal legislation for a one-time supplement of [REDACTED] for each child in the home; and the funds would be deposited on her Bridge Card during September 2022 if the family remains eligible for FIP assistance. (Exhibit A, p. 5. Underline added by ALJ)
6. Petitioner was approved for cash assistance under the State Disability Assistance (SDA) program effective September 1, 2022. (Exhibit A, pp. 1 and 15-22)
7. On November 14, 2022, Petitioner filed a hearing request contesting the FIP closure because if the family had been eligible for FIP on September 1, 2022, they would have received the one-time payment of \$800.00 per child in the home based on Federal Legislation. (Exhibit A, p. 3)

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Age is an eligibility factor for FIP. An individual remains eligible with respect to age for the entire month in which they reach the maximum age. BEM 240, July 1, 2021, p. 1.

AGE AS AN ELIGIBILITY FACTOR

Age of a Child

FIP Only

A dependent child must meet the conditions described below:

- The dependent child is under age 6.
- The dependent child is age 6 through 17, attending school full-time.
- The dependent child is age 18 and attending high school full-time until either the dependent child graduates from high school or turns 19, whichever occurs first.

BEM 240, July 1, 2021, pp. 1-2.

In this case, the Department properly determined that Petitioner was no longer eligible for FIP after Petitioner's son B.C. turned ■ in August 2022. (Exhibit A, p. 14)

Petitioner testified that she understood that her son aged out of FIP. Petitioner explained that everything changed with multiple programs when B.C. turned age ■ which stopped all of their income. Petitioner focused on redetermining the eligibility for Social Security Administration (SSA) issued benefits. B.C. has multiple impairments with medically complex symptoms. Petitioner is his sole caretaker. Additionally, B.C. broke his foot the time all of the eligibility changes related to his age occurred. The day of the eye exam for the SSA redetermination, they were in a car accident. (Petitioner Testimony)

Petitioner testified that she filed a prior hearing request to contest the FIP closure because she believed they were eligible for SDA cash assistance. Petitioner explained that they missed the 10-day window to file the appeal due to all of these life events. Petitioner was awarded the SDA benefits. Petitioner asserted that had she been able to file the FIP appeal within the 10-day window, they would have been issued the \$800.00 one-time payment as the FIP case would have remained active in September 2022. Petitioner requested an exception to allow her to receive the \$800.00 one-time payment. (Petitioner Testimony) It was uncontested that the prior hearing request was withdrawn and SDA benefits were approved.

The July 30, 2022 Notice of Case Action stated that the FIP case would close effective September 1, 2022. (Exhibit A, p. 8) This Notice advised that the Department must receive the request for appeal within 10 days of the mailing date of this notice to continue receiving benefits. Petitioner's appeal request would have to have been filed on or before August 10, 2022 to continue receiving benefits. (Exhibit A, p. 11) This Administrative Law Judge must review the Department's action under the applicable policy and does not have any authority to change or make any exception to policy. The Department's policy does not allow for any exceptions to be made to the 10-day window. See BAM 220, April 1, 2022, pp. 12-14. Petitioner acknowledges that her initial appeal was not filed within the 10 days. Further, it was uncontested that Petitioner subsequently withdrew her initial hearing request contesting the FIP closure. Lastly, the policy addressing Benefit Overissuance indicates that a client error overissuance occurs when a timely request for hearing results in the deletion of a Department action and a hearing decision upholds the Department's determination. Client error overissuances are subject to recoupment and are pursued when the estimated amount is \$250.00 or more per program. BAM 700, October 1, 2018, pp. 1, 7, and 10.

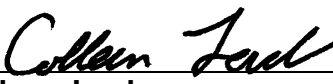
Ultimately, the Department properly determined that Petitioner was no longer eligible for FIP after Petitioner's son B.C. turned ■ in August 2022. (Exhibit A, p. 14) There is no exception that would allow for FIP eligibility for September 2022.

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 closed Petitioner's FIP benefit case.

DECISION AND ORDER

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

CL/ml



Colleen Lack
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 :

DHHS
Elisa Daly
411 East Genesee
Saginaw, MI 48607
**MDHHS-Saginaw-
Hearings@michigan.gov**

Interested Parties
BSC2
B Sanborn
MOAHR

Via First Class Mail :

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