



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
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MI [REDACTED]

Date Mailed: April 6, 2023
MOAHR Docket No.: 23-000701
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 March 9, 2023, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Sylvester Williams, Assistance Payments Supervisor.

ISSUE

Did the Department properly process Petitioner's requests for Food Assistance Program (FAP), Family Independence Program (FIP), Child Development and Care (CDC), and State Emergency Relief (SER) 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. In November 2022, Petitioner was awarded sole physical custody of his two children Child A and Child B. (Exhibit A; Exhibit 1)
2. On or around [REDACTED], 2023, Petitioner submitted an application requesting FIP and FAP benefits for the children and requesting that they be added to his case.
3. Prior to this application, the children had been receiving benefits from the Department and were included in the household of their mother, [REDACTED].
4. The Department did not fully process the request for FIP benefits, as a Notice of Case Action, or other eligibility notice was not issued. However, the Department asserted that upon review of Petitioner's case in Bridges, the FIP application has a

denial reason identified as no children are living in his household and there are no children in his FIP group.

5. The Department sent Petitioner a Notice of Case Action, advising him that effective January 1, 2023, he was approved for FAP benefits in the amount of \$281 for a household size of one. Petitioner was the only member identified as part of the FAP group. While not indicated on the Notice of Case Action, the Department asserted that because the children were actively receiving FAP benefits on their mother's case through the Department's Madison Heights District, they were ineligible for FAP benefits Petitioner's FAP case.
6. On or around January 20, 2023, Petitioner requested a hearing disputing the Department actions with respect to his FIP, FAP, CDC, and SER benefits.
7. At the hearing, Petitioner confirmed that the issues he requested a hearing to dispute with respect to his CDC and SER benefits has been resolved. Petitioner further confirmed that he was satisfied with the actions taken by the Department and that no promises were made in exchange for his withdrawal. Petitioner's verbal withdrawal of the hearing request with respect to CDC and SER was approved and the hearing request with respect to CDC and SER will be DISMISSED.

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).

FIP/FAP

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 Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

In this case, Petitioner requested a hearing disputing the Department's actions with respect to the FIP and FAP programs. Specifically, Petitioner asserted that he has had

sole physical custody of his two minor children since November 2022, but the children's mother continued to receive benefits on their behalf. Petitioner clarified that although other applications have been submitted, Petitioner's hearing request was limited to the [REDACTED] 2023 requests for FIP and FAP benefits. Petitioner testified and presented documentation showing that the two minor children are registered in school with his home address, that the children were identified as residents on his November 2022 lease, and further, that as of March 2023, a judge awarded him sole physical and legal custody. (Exhibit A; Exhibit1).

At the hearing, the Department representative conceded that the children should have been added to Petitioner's FIP and FAP cases at the time of the [REDACTED] 2023 application. The Department representative testified that Petitioner's application for CDC benefits was approved and the children were considered members of Petitioner's household for CDC purposes because they were not actively receiving CDC benefits on their mother's case. The Department representative testified that several attempts have been made to contact the Department's Madison Heights District in order to have the children removed from their mother's FIP and FAP benefits and transferred to Petitioner's, however, these attempts have been unsuccessful due to noncooperation from the Madison Heights District. The Department representative acknowledged that eligibility notices for the FIP and FAP cases specifically notifying Petitioner that his children were ineligible for FIP and FAP benefits on his case were never issued. Thus, the Department conceded a failure to properly process the requests for FIP and FAP benefits

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 did not act in accordance with Department policy when it processed Petitioner's request for FIP and FAP benefits for his children.

DECISION AND ORDER

Accordingly, the hearing request with respect to CDC and SER is **DISMISSED** and the Department's FIP and FAP decisions are **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Register and process Petitioner's [REDACTED] 2023, FIP and FAP applications for Petitioner's children;
2. Take the appropriate administrative actions to transfer the children's FIP and FAP benefits from their mother's case to Petitioner's;

3. Issue FIP and FAP benefits to Petitioner on the children's behalf from the application date, ongoing, if otherwise eligible in accordance with Department policy; and
4. Notify Petitioner in writing of its decision.

ZB/ml



Zainab A. Baydoun
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

Linda Gooden
Oakland County Southfield District III
25620 W. 8 Mile Rd
Southfield, MI 48033
**MDHHS-Oakland-6303-
Hearings@michigan.gov**

Interested Parties

BSC4
B Sanborn
M Holden
D Sweeney
MOAHR

Via First Class Mail :

Petitioner

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