



GRETCHEN WHITMER
GOVERNOR

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

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DIRECTOR

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Date Mailed: March 21, 2023
MOAHR Docket No.: 23-000786
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 hearing was held via telephone conference on March 16, 2023, from Detroit, Michigan. Petitioner appeared and was self-represented. The Department of Health and Human Services (Department) was represented by Territa Rivers-Jones, Family Independence Manager.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case effective January 31, 2023?

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 an ongoing recipient of FIP, Food Assistance Program (FAP), and Medicaid (MA) benefits for herself and her children.
2. On December 5, 2022, the Department sent Petitioner a redetermination form concerning her ongoing eligibility for FIP. Petitioner was required to submit the completed form to the Department by December 25, 2022 and to complete a telephone interview scheduled on January 3, 2023. (Exhibit A, pp. 7-13.)
3. The Department did not receive a completed redetermination form.
4. On January 20, 2023, the Department sent Petitioner a Notice of Case Action advising her that her FIP case was closing effective January 31, 2023 because of her failure to return the completed redetermination form.

5. On February 3, 2023, the Department received Petitioner's hearing request concerning FIP, FAP and MA and Petitioner's application for FIP (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).

Petitioner requested a hearing concerning her FIP, MA, and FAP cases. At the hearing, the Department representative testified that Petitioner's MA and FAP cases were not affected by her FIP case closure and Petitioner had received ongoing, uninterrupted MA and FAP benefits. Petitioner agreed that no negative action had been taken on her FAP and MA cases. Accordingly, Petitioner's hearing request concerning FAP and MA is **dismissed**.

The Department representative also testified that Petitioner's FIP case had closed effective January 31, 2023 and her February 3, 2023 FIP application had been approved for benefits for March 2023 ongoing. Petitioner confirmed that she had received FIP benefits in March 2023. Therefore, the issue at the hearing concerned Petitioner's eligibility for FIP benefits in February 2023.

FIP Case

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 Department representative testified that Petitioner's FIP case closed effective January 31, 2023 because Petitioner had failed to timely return to the Department a completed redetermination concerning her ongoing FIP eligibility.

A client must complete a FIP redetermination at least every 12 months. BAM 210 (October 2022, p. 3). FIP clients must also complete a telephone interview before a Department specialist can certify continued FIP eligibility. BAM 210, p. 5. The interview can take place only after the Department receives the redetermination packet from the client. BAM 210, pp. 14-15. When the completed redetermination is received, the Department must record the receipt in its database as soon as administratively possible. BAM 210, p. 13. If the redetermination is submitted online through MI Bridges, the receipt of the packet will be automatically recorded. BAM 210, p. 13. If the Department does not log in the redetermination packet by the negative action cut-off date of the

redetermination month, Bridges, the Department's system, generates a DHS-1605, Notice of Case Action, and automatically closes the FIP case.

Here, the Department representative testified that the Department sent Petitioner a FIP redetermination form on December 5, 2022, requesting that the completed form be returned to the Department by December 25, 2022 and scheduling an interview on January 3, 2023 (Exhibit A, pp. 7-13). When it did not receive a completed redetermination, the Department sent Petitioner a Notice of Case Action on January 20, 2023 advising her that her FIP case was closing effective January 31, 2023

Petitioner contended that she was constantly in contact with her worker by phone and in person, timely submitted her redetermination directly to her worker on December 26, 2022, and had an interview with her. The Department representative explained that, as of December 5, 2022, clients could no longer call their workers directly and phone calls were made to a single line which was answered by a Department worker on phone duty. While the case comments for Petitioner's case showed that Petitioner had called the office multiple times, the calls were answered by different workers. The Department representative also testified that she supervised the worker Petitioner identified as handing her redetermination to and that worker was not in the office on December 26, the date Petitioner claimed to have given the document to her worker. Petitioner also testified to having to repeatedly have medical needs forms completed and submitted, and it is not clear from her testimony that she distinguished between paperwork returned to the Department related to the redetermination and that related to the medical forms. In sum, Petitioner has failed to rebut the Department's evidence that it did not receive a completed redetermination from Petitioner and credibly show that she submitted her completed FIP redetermination to the Department prior to January 31, 2023. Therefore, the Department properly closed her FIP case effective January 31, 2023.

The evidence presented further showed that Petitioner reapplied for FIP on February 3, 2023 and was approved for monthly FIP benefits of [REDACTED] as of [REDACTED] 2023. When a group meets all eligibility requirements for FIP, assistance begins in the pay period in which the application becomes 30 days old. BAM 400, p. 2, BAM 115 (January 2023), p. 26. For an application submitted on February 3, 2023, the application would be 30 days old in March 2023. Therefore, Petitioner would not be eligible for FIP benefits in [REDACTED] 2023.

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 case effective January 31, 2023, and began FIP payments in March 2023 when it approved her February 3, 2023 FIP application.

DECISION AND ORDER

Because there was no negative action concerning Petitioner's MA and FAP cases at the time of her February 3, 2023 hearing request, Petitioner's hearing request concerning MA and FAP is **DISMISSED**.

The Department's FIP decision is **AFFIRMED**.

ACE/tlf



Alice C. Elkin
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
Dora Allen
Wayne-Gratiot/Seven-DHHS
4733 Conner Suite G 7 Lappin
Detroit, MI 48215
**MDHHS-Wayne-76-
Hearings@michigan.gov**

Via-First Class Mail :

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