



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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Date Mailed: April 11, 2023  
MOAHR Docket No.: 23-001205  
Agency No.: ██████████  
Petitioner: ██████████

**ADMINISTRATIVE LAW JUDGE: Christian Gardocki**

**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 line on April 6, 2023. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Brett Rivard, specialist.

**ISSUE**

The issue is whether Petitioner was entitled to receive a supplement of Family Independence Program (FIP) pandemic funds.

**FINDINGS OF FACT**

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of August 2022, Petitioner was an ongoing recipient of FIP benefits along with three biological children.
2. On August 9, 2023, MDHHS terminated Petitioner's FIP eligibility beginning September 2022.
3. In September 2022, MDHHS did not issue to Petitioner a FIP supplement of pandemic funds.
4. On March 1, 2023, Petitioner requested a hearing to dispute not receiving the FIP pandemic funds supplement.

## **CONCLUSIONS OF LAW**

The 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. MDHHS administers the 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. FIP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing to dispute not receiving a supplement of FIP pandemic funds. Exhibit A, p. 3. MDHHS did not issue the supplement to Petitioner due to Petitioner not being eligible for FIP beginning September 2022.

MDHHS will be issuing to families a one-time supplement in the amount of \$800 per eligible child. Economic Stability Administration Memo 2022-37 dated August 17, 2022. All eligible children in the FIP group will receive the one-time supplement. *Id.* The eligible child(ren) must be eligible for FIP during September 2022. *Id.*

It was not disputed that Petitioner was a FIP recipient as of August 2022. Petitioner's FIP benefit group included three biological children.<sup>1</sup> A Notice of Case Action dated August 9, 2022, stated that Petitioner's FIP eligibility would end September 2022 due to excess income. Exhibit A, pp. 23-29.

Petitioner contended that she should receive the FIP pandemic funds supplement because MDHHS incorrectly closed her FIP case. Whether FIP closure case closure was correct need not be considered because of the tardiness of Petitioner's hearing request.

A client's request for hearing must be received in the MDHHS local office within 90 days of the date of the written notice of case action. BAM 600 (March 2021) p. 6. For all programs except Food Assistance Program benefits, hearing requests must be submitted to MDHHS in writing. *Id.*, p. 2.

Petitioner requested a hearing on March 1, 2023. MDHHS received Petitioner's hearing request 204 days after written notice was mailed. Thus, Petitioner's hearing request was untimely and there is no administrative hearing jurisdiction to determine if MDHHS properly terminated Petitioner's FIP eligibility.

A twist in the present case is that MDHHS reinstated Petitioner's FIP eligibility back to September 2022 on an unspecified date in 2023. MDHHS testified that the reinstatement was erroneous and that Petitioner's FIP benefits will close once her case is corrected.

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<sup>1</sup> Petitioner also was a caretaker to a non-biological child who was excluded from the benefit group due to receipt of Supplemental Security Income (SSI).

Any request for new FIP EDG openings or member adds for September 2022 that are processed after the initial one-time monthly payroll run for September will require an exception. ESA Memo 2022-76. Specialists should contact Bridges Resource Center to request a supplement for the FIP group. *Id.* Requests for the one-time exceptions after September 28, 2022 will be denied.<sup>2</sup> *Id.*

Whether MDHHS erroneously reinstated Petitioner's FIP eligibility back to September 2022 is irrelevant. Based on a reinstatement date in 2023, Petitioner's FIP eligibility for September 2022 came long after the exception deadline of September 28, 2022. Given the evidence, MDHHS properly did not issue to Petitioner a supplement of FIP pandemic funds.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not issue to Petitioner a supplement of FIP pandemic funds. The actions taken by MDHHS are **AFFIRMED**.

CG/mp



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**Christian Gardocki**  
Administrative Law Judge

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<sup>2</sup> MDHHS revised ESA 2022-76 on September 12, 2022, to amend the deadline from September 30, 2022 to September 28, 2022.

**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**  
MDHHS-Macomb-20-Hearings  
B. Sanborn  
MOAHR  
BSC4

**Via-First Class Mail :**

**Petitioner**  
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