



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], MI [REDACTED]

Date Mailed: August 18, 2023
MOAHR Docket No.: 23-003535
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on July 20, 2023 via teleconference. Petitioner appeared and represented herself. Cinquetta Avery, Eligibility Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's application for cash assistance?

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 submitted an application for cash assistance (Exhibit A, p. 1).
2. On April 28, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that her application for the cash program was denied, effective May 16, 2023 ongoing (Exhibit A, p. 5). The reason given for the denial was that Petitioner had reached the lifetime limit for the Family Independence Program (FIP) (Exhibit A, p. 6).
3. On June 14, 2023, Petitioner filed a Request for Hearing to dispute the denial of her application for cash assistance (Exhibit A, pp. 3-4).

CONCLUSIONS OF LAW

The Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. BEM 209 (January 2022), p. 1.

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 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. RCA is a federal program that helps refugees become self-sufficient after their arrival in the United States. BEM 215 (July 2013), p. 1. RCA is a cash program for refugees who are not eligible for FIP. *Id.* SDA is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, MDHHS testified that it denied Petitioner's cash assistance application because Petitioner had reached the lifetime limit for FIP, and it did not consider her eligibility for SDA because she included her children on the cash assistance application. MDHHS did not introduce Petitioner's cash assistance application at the hearing. Petitioner testified that she was trying to apply for SDA, not FIP.

When an individual applies for cash assistance, MDHHS must determine eligibility for FIP, RCA and SDA, in that order. BEM 209 (January 2022), p. 1. Cash assistance is available to eligibility determination groups who meet all the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. *Id.* Here, MDHHS failed to present any evidence to show that it evaluated Petitioner's eligibility for RCA or SDA after it determined that she was ineligible for FIP. This was improper because Petitioner was not required to submit a separate application for SDA. MDHHS should have determined her eligibility for each program. It is also unclear from the record when Petitioner filed the cash assistance application. MDHHS' Hearing Summary stated that Petitioner filed an application for cash assistance on June 14, 2023 (Exhibit A, p. 1). The Hearing Summary also states that the action effective date was April 28, 2023 (Exhibit A, p. 1). The Notice of Case Action is dated April 28, 2023, which predates the date that MDHHS alleged that Petitioner submitted the cash assistance application (Exhibit A, p. 5). To correct this situation, MDHHS must reregister the application for cash assistance that led to the April 28, 2023 negative action and determine whether Petitioner is eligible for any cash assistance programs.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's application for cash assistance.

DECISION AND ORDER

MDHHS' denial of Petitioner's application for cash assistance is **REVERSED**.

MDHHS 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. Reregister and reprocess the cash assistance application filed by Petitioner immediately preceding the April 28, 2023 Notice of Case Action;
2. Determine Petitioner's eligibility for RCA and SDA from the date of the cash assistance application ongoing;
3. Issue supplemental payments to Petitioner for any RCA or SDA benefits that she was entitled to receive but did not, from the date of eligibility ongoing; and
4. Notify Petitioner of its decision in writing.



LJ/tm

Linda Jordan
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
Richard Latimore
Wayne-Conner-DHHS
4733 Conner
Detroit, MI 48215
**MDHHS-Wayne-57-
Hearings@michigan.gov**

Interested Parties

L. Karadsheh
D. Sweeney
G. Vail
BSC4

Via-First Class Mail :

Petitioner

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