



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 17, 2023
MOAHR Docket No.: 23-003975
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 August 10, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Valerie Foley Hearing Facilitator. Department Exhibit 1, pp. 1-28 was received and admitted.

ISSUE

Did the Department properly process Petitioner's Family Independence Program (FIP) redetermination?

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 a recipient of FIP benefits.
2. On July 5, 2023, a redetermination interview was conducted with Petitioner.
3. On July 11, 2023, Petitioner requested hearing questioning the status of her FIP benefits.
4. On July 12, 2023, Verification of Student Status was sent to Petitioner.

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.

Conducting the Interview

FIP, SDA and FAP

Obtain a complete redetermination/review packet from the client.

Compare the redetermination/review document to the existing MDHHS-1171 and program specific supplement form(s) or previous MDHHS-1010 and applicable program specific supplements and other case data.

Reconcile any discrepancies and ensure anything omitted is completed.

Review the verifications and reconcile discrepancies.

Verbally cover the rights and responsibilities with the client and refer them to view online, the following sections of the PUB-1010, Important Things About Programs and Services:

Your Responsibilities.

Your Rights.

Resources.

Privacy Details.

Penalties.

FIP Only

Review the Family Self-Sufficiency Plan (FSSP) for compliance.

Identify any barriers to the family's self-sufficiency and strategies for client to overcome them.

Update each FSSP to identify the specific steps the individual will take towards family self-sufficiency.

Review work participation requirements. Identify any potential deferrals listed in BEM 230A.

Review direct support service opportunities, including transportation and child care; see BEM 229.

Review penalties for non-compliance; see BEM 233A.

Review FIP time limits; see BEM 234.

Explain the prohibited use of FIP to purchase lottery tickets, alcohol, tobacco, or for gambling, illegal activities, massage parlors, spas, tattoo shops, bail-bond agencies, adult entertainment, cruise ships, or other nonessential items.
BAM 220

In this case, on July 5, 2023, Petitioner had a redetermination interview and issues were raised regarding whether she had reached her FIP time limits and whether she may fall under an exception for those time limits. Notice of Case Action regarding an approval or a closure for FIP has not been provided to Petitioner and no information has been requested of Petitioner that she has refused to provide.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it failed to process Petitioner's redetermination for FIP. BAM 220


DECISION AND ORDER

Accordingly, the Department's decision is **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. Reinstate Petitioner's FIP case.
2. Issue a supplement for any missed FIP benefits.

AM/nr



Aaron McClintic
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
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
**MDHHS-Wayne-19-
Hearings@michigan.gov**

Interested Parties
Wayne 19 County DHHS
BSC4
B. Sanborn
MOAHR

Via-First Class Mail :

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