



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

██████████
██████████
██████████, MI ██████████

Date Mailed: September 6, 2023
MOAHR Docket No.: 23-004578
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 31, 2023, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's clothing allowance through the Family Independence Program (FIP)?

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 Family Independence Program (FIP) benefit recipient.
2. On July 20, 2023, the Department sent Petitioner a Notice of Case Action informing her that her FIP benefit case was closing effective August 1, 2023, ongoing.
3. On August 1, 2023, Petitioner submitted a request for hearing disputing the Department's actions.
4. On August 10, 2023, the Department sent Petitioner a Notice of Case Action informing her that her FIP benefit case was approved effective August 1, 2023.

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.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, Petitioner submitted a request for hearing regarding her FIP, Food Assistance Program (FAP), and Medical Assistance (MA) cases. The Department had closed Petitioner's FIP, FAP and MA cases in error. However, Petitioner testified that the cases had been reinstated that that she desired to withdraw her hearing request for FAP and MA. As a result of the request to withdraw, Petitioner's request for hearing related to her MA and FAP cases is **DISMISSED**.

At the hearing, Petitioner testified that although her FIP case was reinstated, she did not receive a clothing allowance for her children. The Department testified that Petitioner's FIP benefit case had been closed in error. When Petitioner's FIP benefit case was reinstated on August 10, 2023, the funds appropriated for the clothing allowance had been depleted.

The 2023 Fiscal Appropriations Act included funding for the children's clothing allowance. BPB 2023-016 (August 2023), p. 1 The allowance is intended to assist FIP families to purchase school clothing for their children. BPB 2023-016, p. 1. All eligible children on the FIP EDG will receive the clothing allowance. BPB 2023-016, p. 1. The

eligible child(ren) must be eligible for FIP during August 2023. BPB 2023-016, p. 1. Any request for new FIP EDG openings or member adds for August 2023 that are processed after the initial clothing allowance monthly payroll run for August will require an exception. BPB 2023-016, p. 2. Once the funding for the children's clothing allowance is depleted, there will be no additional funds allocated, regardless of the eligibility of the FIP EDG. BPB 2023-016, p. 2.

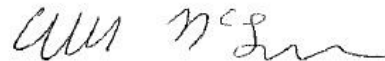
Although the Department committed the error that resulted in Petitioner's FIP benefit case closure, the funds for the clothing allowance had been depleted at the time Petitioner's case was reinstated. As clothing allowances cannot be approved once the funds are depleted, the Department acted in accordance with policy when it did not issue Petitioner a clothing allowance pursuant to her FIP benefit case.

DECISION AND ORDER

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 did not issue the clothing allowance to Petitioner related to her FIP benefit case. Accordingly, the Department's decision related to Petitioner's FIP benefit case is **AFFIRMED**.

Petitioner's request for hearing related to her FAP and MA cases is **DISMISSED**.

EM/tm



Ellen McLemore
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
Elisa Daly
Saginaw County DHHS
411 East Genesee
Saginaw, MI 48607
**MDHHS-Saginaw-
Hearings@michigan.gov**

Interested Parties

M. Schaefer
EQADHearings
M. Holden
D. Sweeney
G. Vail
BSC2

Via-First Class Mail :

Petitioner

██████████
██████████
██████████ MI ██████████