



STATE OF MICHIGAN

GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
ACTING DIRECTOR

[REDACTED]  
MI [REDACTED]

Date Mailed: October 26, 2023  
MOAHR Docket No.: 23-005643  
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 October 18, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Susan Dersweh Hearing Facilitator. Department Exhibit 1, pp. 1-34 was received and admitted.

**ISSUE**

Did the Department properly deny Petitioner's Family Independence Program (FIP) application due to a lifetime sanction?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED] 2023, Petitioner applied for FIP.
2. On August 21, 2023, Notice of Case Action was sent to Petitioner informing her that her FIP application was denied due to lifetime sanction.
3. On September 11, 2023, Petitioner requested hearing disputing the denial of FIP.
4. Petitioner received FIP sanctions in January 2011, August 2012, and February 2014. (Ex. 1, p.18)

## **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.

### **NONCOMPLIANCE PENALTIES FOR ACTIVE FIP INDIVIDUALS AND MEMBER ADDS**

The penalty for noncompliance without good cause is FIP EDG closure. Effective October 1, 2011, the following minimum penalties apply:

- For the individual's first occurrence of noncompliance, Bridges closes the FIP EDG for not less than three calendar months.
- For the individual's second occurrence of noncompliance, Bridges closes the FIP EDG for not less than six calendar months.
- For the individual's third occurrence of noncompliance, Bridges closes the FIP EDG for a lifetime sanction.

The individual penalty counter begins April 1, 2007. Individual penalties served after October 1, 2011, will be added to the individual's existing penalty count. BEM 233A

In this case, Petitioner applied for FIP on [REDACTED] 2023. Petitioner previously received FIP and had noncompliance sanctions on her FIP case in January 2011, August 2012 and February 2014. At hearing, Petitioner did not dispute that she had sanctions on her case. Therefore, the denial for a lifetime sanction due to three instances of noncompliance was proper and correct and consistent with Department policy. BEM 233A

Petitioner testified at hearing that her husband was abusive towards her and she was unaware of some things that happened on her FIP case. The Case Notes reflect that Petitioner was active on her FIP case during the time periods she was sanctioned for non-compliance and never raised any issues regarding domestic violence at the time of the non-compliances. (Ex. 1, pp. 19-25) Petitioner had an opportunity to dispute the non-compliance findings at the time she was found to be in noncompliance and she failed to do so.

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 denied Petitioner's FIP application due to lifetime sanction.

**DECISION AND ORDER**

Accordingly, the Department's decision is **AFFIRMED**.

AM/ml

  
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**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 Derseweh

Genesee County DHHS Clio Rd Dist.

4809 Clio Road

Flint, MI 48504

**MDHHS-Genesee-Clio-Hearings@michigan.gov**

**Interested Parties**

BSC2

B Sanborn

MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
MI [REDACTED]