



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

[REDACTED], MI [REDACTED]

Date Mailed: November 20, 2023
MOAHR Docket No.: 23-006121
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 October 23, 2023, via teleconference. Petitioner appeared and represented herself. Lekeitia Cokley, Assistance Payments Supervisor, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department).

ISSUE

Did MDHHS properly deny Petitioner's request for the Family Independence Program (FIP) children's clothing allowance?

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] [REDACTED] 2023, Petitioner applied for FIP/cash benefits (Exhibit A, p. 7).
2. On August 31, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that she was approved for FIP benefits for a household of four, beginning August 16, 2023 (Exhibit A, p. 15).
3. On September 22, 2023, Petitioner filed a Request for Hearing due to not receiving FIP clothing allowance benefits (Exhibit A, pp. 3-4).

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. 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.

In this case, MDHHS approved Petitioner's application for FIP/cash benefits but did not issue a clothing allowance because the funds had been depleted. The children's clothing allowance is a supplement for FIP groups eligible for the children's clothing allowance in a given year when funding becomes available. BAM 405 (July 2023), p. 4. Bridges—MDHHS' internal eligibility and case management system—automatically issues a supplement for active FIP groups with children. *Id.* Supplements are viewable the day following the processing date. *Id.* When a child is added to an active case, MDHHS issues a manual supplement. *Id.* When funding is available, MDHHS will issue an Interim Policy Bulletin stating the effective month. *Id.*

On June 27, 2023, MDHHS issued ESA Memo 2023-32 regarding the children's clothing allowance (Exhibit A, p. 24). The Memo stated that the children's clothing allowance for the 2023 fiscal year was \$354.00 per child and all children eligible for FIP during August 2023 would receive the allowance (Exhibit A, p. 24). The Memo further stated:

Bridges will automatically issue supplements for the children's clothing allowance to FIP EDGs with qualifying children who are eligible for August FIP payments in Bridges as of the single deadline date of July 31, 2023.... 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....Requests for clothing allowance exceptions after **September 22, 2023**, will be denied. 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.

Michigan Department of Health and Human Services, Economic Stability Administration (ESA), ESA Memorandum 2023-32, June 27, 2023 (Exhibit A, pp. 24-25).


The record shows that MDHHS approved Petitioner's FIP benefits, effective August 16, 2023, ongoing. Although Petitioner's children were eligible for FIP benefits in August 2023, the approval came after the deadline for the children's clothing allowance, which

was July 31, 2023. ESA Memo 2023-32. Thus, in order to receive the clothing allowance, MDHHS would need to grant an exception, and exceptions were dependent on available funding. MDHHS presented evidence that the funds were depleted as of August 1, 2023, and therefore, no exceptions could be granted after that time (Exhibit A, p. 26). Due to the depletion of funds, MDHHS properly denied Petitioner's request for clothing allowance benefits.

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 acted in accordance with Department policy when failed to issue the children's clothing allowance to Petitioner.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.



LJ/nr

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
Wayne 57 County DHHS
BSC4
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner
[REDACTED]
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