



GRETCHEN WHITMER  
GOVERNOR

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

MARLON I. BROWN, DPA  
ACTING DIRECTOR

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

Date Mailed: February 13, 2024  
MOAHR Docket No.: 23-008777  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

### **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 via telephone conference on February 8, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Valarie Foley, hearings facilitator, and Jamila Goods, assistant payments worker.

### **ISSUE**

The issue is whether MDHHS properly terminated Petitioner's application for Family Independence Program (FIP) benefits.

### **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 benefits.
2. On October 9, 2023, MDHHS received a second FIP application from Petitioner. MDHHS updated Petitioner's information but did not register the application for processing.
3. On October 12, 2023, MDHHS denied Petitioner's FIP eligibility beginning October 2023 due to Petitioner's failure to attend Partnership, Accountability, Training, Hope (PATH) orientation.

4. On November 29, 2023, Petitioner requested a hearing to dispute MDHHS's non-processing of the FIP application dated [REDACTED] 2024.

### **CONCLUSIONS OF LAW**

The 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 the 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. FIP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner first applied for FIP benefits on [REDACTED] 2023. Exhibit A, pp. 4-11. Before Petitioner's application was approved or denied, Petitioner submitted a second FIP application to MDHHS on [REDACTED] 2023. Exhibit A, pp. 12-18. A Notice of Case Action dated October 12, 2023, stated that MDHHS denied Petitioner's first application due to failing to attend PATH orientation.<sup>1</sup> Exhibit A, pp. 28-32. Petitioner did not dispute the denial of the first cash application. Petitioner specifically requested a hearing contending that MDHHS failed to process her FIP application dated [REDACTED] 2023.

An application or filing form, with the minimum information, must be registered in Bridges, the MDHHS database, unless the client is already active for that program. BAM 110 (October 2023) p. 8. When an application is pending and additional application(s) are received prior to certification of the initial application, MDHHS is to not automatically deny the application(s). *Id.* Instead, MDHHS is to do the following:

- Review the information on the subsequently submitted application for impact on eligibility and benefit level.
- Ensure the case record is documented with the additional application(s) received and note the application(s) used to determine eligibility and/or benefit levels.
- Attach the additional application(s) to the initial application.

The above policy is interpreted as requiring MDHHS to treat the second application as a reporting document. MDHHS is not required to register or process the application.

Petitioner testified that she called MDHHS on multiple occasions after the date of her second FIP application dated [REDACTED] 2023 and a third FIP application dated [REDACTED] 2023.<sup>2</sup> Petitioner's testimony implied that MDHHS staff should have sooner advised her to reapply for FIP benefits. Petitioner's testimony was uncorroborated. Moreover, even if Petitioner's testimony was accepted, the facts would not allow for MDHHS to register the [REDACTED] 2023 application when doing so would have contradicted its policy. Petitioner also testified that she was told by someone at

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<sup>1</sup> The notice did not specifically deny Petitioner's application dated [REDACTED] 2023. However, a denial of the earlier FIP application can be inferred from the begin date of the denial: October 1, 2023. FIP benefit periods, which occur on the 1<sup>st</sup> and 16<sup>th</sup> of each month, cannot begin sooner than the period containing the 30<sup>th</sup> day after application (see BAM 115).

<sup>2</sup> It was not disputed that MDHHS approved Petitioner for FIP benefits after Petitioner's third application.

PATH that she should reapply. Again, Petitioner's testimony was uncorroborated and even if accurate would not allow for a reversal of MDHHS's actions.<sup>3</sup> Given the evidence, MDHHS properly did not register, or process Petitioner's application dated [REDACTED] 2023.

**DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly did not register or process Petitioner's FIP application dated [REDACTED] 2023. The actions of MDHHS are **AFFIRMED**.

CG/nr

  
\_\_\_\_\_  
**Christian Gardocki**  
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

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<sup>3</sup> Additionally, Petitioner's testimony raised questions of why she would not dispute the denial of the earlier application if she attended PATH orientation.

**Via-Electronic Mail :**

**DHHS**  
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**Interested Parties**  
Wayne 19 County DHHS  
BSC4  
B. Sanborn  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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