



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]
[REDACTED], MI [REDACTED]

Date Mailed: February 7, 2024
MOAHR Docket No.: 23-008973
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness

HEARING DECISION

On December 6, 2023, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision to deny her application for Family Independence Program (FIP) cash assistance benefits. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 6, 2024. Petitioner, [REDACTED] [REDACTED] appeared and represented herself. The Department of Health and Human Services (Department) was represented by Valerie Foley, Hearings Facilitator.

A 31-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly deny Petitioner's application for FIP cash assistance when it determined that Petitioner had received the maximum number of months of FIP cash assistance?

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 assistance.
2. Petitioner had received 82 federally funded countable months of FIP cash assistance prior to her [REDACTED] [REDACTED] 2024, FIP application.

3. The Department reviewed Petitioner's application for FIP cash assistance and determined that it had to be denied because Petitioner had received the maximum number of months of FIP cash assistance.
4. On November 14, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that her application for FIP cash assistance was denied because she had received the maximum number of months of FIP cash assistance.
5. On December 6, 2023, Petitioner requested a hearing to dispute the Department's denial.

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 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.

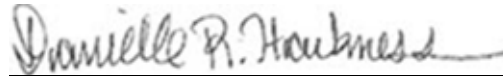
In this case, the Department denied Petitioner's request for FIP cash assistance because the Department determined that Petitioner had received the maximum number of months of FIP cash assistance. Petitioner is disputing the denial. FIP cash assistance is intended to be temporary. BEM 234 (July 1, 2013), p. 1. In general, the maximum number of months of FIP cash assistance a family may receive is 60 federally funded months. *Id.* at p. 1-2. Once an individual has reached a FIP time limit and FIP closes, the individual is not eligible for FIP if the individual reapplies unless the individual meets exemption criteria. *Id.* at p. 7.

Petitioner did not present any evidence to establish that the 60-month time limit did not apply to her. Therefore, the 60-month time limit applied to Petitioner, and the Department properly denied Petitioner's FIP application because Petitioner had received more than 60 federally funded months of FIP cash assistance at the time of application.

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 did act in accordance with its policies and the applicable law when the Department denied Petitioner's application for FIP cash assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.



Danielle R. Harkness
Administrative Law Judge

DH/nr

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
MDHHS-Wayne-19-
Hearings@michigan.gov

Interested Parties
Wayne 19 County DHHS
BSC4
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MOAHR

Via-First Class Mail :

Petitioner


, MI