



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  
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: March 21, 2024  
MOAHR Docket No.: 24-001531  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

**HEARING DECISION**

On February 13, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision to deny his 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 March 20, 2024. Petitioner appeared and represented himself. The Department of Health and Human Services (Department) was represented by Valerie Krause, Supervisor.

A 21-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?

**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 November 30, 2023, Petitioner was approved for \$828.00 in FIP cash assistance.
2. On January 4, 2024, Petitioner signed a withdrawal form indicating that he no longer wished to receive FIP cash assistance. At this time, Petitioner had received FIP cash assistance benefits for January 2024, and was approved to receive FIP cash assistance benefits for February 2024.

3. On [REDACTED] 2024, Petitioner re-applied for FIP cash assistance. This was considered a change application because Petitioner fell within the negative period.
4. The Department reviewed Petitioner's [REDACTED] 2024, application for FIP cash assistance and determined that it had to be denied because Petitioner's previous FIP cash assistance case was pending closure and was still active.
5. On February 6, 2024, the Department mailed a Notice of Case Action to Petitioner to notify him that his application for FIP cash assistance was denied because his previous FIP cash assistance case was pending closure and was still active.
6. On February 12, 2024, 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 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.

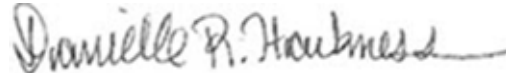
In this case, the Department denied Petitioner's application for FIP cash assistance benefits because Petitioner's previous FIP cash assistance case was pending closure and was still active. Petitioner indicated that he was not disputing the Department's decision to deny his application for FIP cash assistance because his previous FIP cash assistance case was pending closure and was still active, but that he disputes the timing that it took the Department to deny his application.

When a FIP application is received, the Department is required to certify FIP program approval or denial of the application within 45 days. BAM 115 (January 1, 2024), p. 15. Here, the Department received Petitioner's application for FIP cash assistance on January 9, 2024. On February 6, 2024, the Department mailed a Notice of Case Action to Petitioner to notify him that his application for FIP cash assistance was denied. The Department denied Petitioner's application for FIP cash assistance within the 45-day period required by policy. Petitioner did not present any evidence to establish that the Department failed to act pursuant to policy. Therefore, the Department properly denied Petitioner's application for FIP cash assistance.

**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**.



DH/nr

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**Danielle R. Harkness**  
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**  
Joann Sepic  
Berrien County DHHS  
401 Eighth Street  
Benton Harbor, MI 49023  
**MDHHS-Berrien-  
Hearings@michigan.gov**

**Interested Parties**  
Berrien County DHHS  
BSC3  
B. Sanborn  
MOAHR

**Via-First Class Mail :**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]