



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: April 25, 2024
MOAHR Docket No.: 24-002791
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on April 16, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Carrie David.

ISSUE

Did the Department of Health and Human Services (Department) deny Petitioner's request for replacement of her 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. Petitioner was an ongoing recipient of cash assistance on December [REDACTED] 2023, when the Department notified her that she would receive a \$[REDACTED] lump sum payment under the Food Assistance Program (FAP) for the month of September of 2023. Exhibit A, p 6.
2. On December [REDACTED] 2023, Petitioner reported to the Department that she did not receive the \$[REDACTED] lump sum payment. Exhibit A, p 7.
3. On December [REDACTED] 2023, Petitioner acknowledged that the \$[REDACTED] lump sum payment had been deposited on to her EBT card and reported that it had been fraudulently withdrawn on December 2, 2023. Exhibit A, p 9.
4. Petitioner's EBT records show a \$[REDACTED] deposit on to the card on December 1, 2023, and a \$[REDACTED] withdrawal on December 2, 2023. Exhibit A, p 11.

5. On December █ 2023, the Department notified Petitioner that her request for replacement cash assistance had been denied pursuant to the Consolidated Appropriations Act of 2023. Exhibit A, pp 12-13.
6. Department records show that Petitioner was an ongoing recipient of cash assistance from August 1, 2023, through November 30, 2023. Exhibit A, p 24.
7. On February 22, 2024, the Department received Petitioner's request for a hearing protesting the Department's refusal to replace her cash assistance. Exhibit A, p 3.

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 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 et seq, and Mich Admin Code, R 400.3101 through R 400.3131.

Cash assistance recipients affected by fraud may contact their local Department office to request replacement benefits. Only cases that are currently active cash assistance recipients may be eligible for cash assistance fraud replacement funds. ESA Memo, 2023-53.

In this case, Petitioner was an active recipient of cash assistance in September of 2023, and on December 1, 2023, she received a one-time supplemental cash assistance grant of \$█. On December █ 2023, Petitioner reported to the Department that her \$█ supplemental cash assistance grant had been stolen.

However, Petitioner's was not an active recipient of cash assistance and her eligibility for assistance ended on December 1, 2023.

Under the Consolidated Appropriations Act, the Department receives federal funds under Temporary Assistance for Needy Families (TANF) and administers that cash assistance under the Family Independence Program (FIP). The Consolidated Appropriations Act requires that the Department plan for funds misappropriated by skimming and cloning and create a procedure for the replacement of those funds. The Department has created a plan for the replacement of misappropriated funds, and in accordance with ESA Memo 2023-53, the Department has limited replacement of misappropriated funds to active cash assistance recipients.


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 declined to replace the \$ [REDACTED] lump sum payment of Family Independence Program (FIP) benefits granted to Petitioner.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
Elisa Daly
Saginaw County DHHS
MDHHS-Saginaw-
Hearings@michigan.gov

SanbornB

BSC2HearingDecisions

MOAHR

Via-First Class Mail :

Petitioner

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