



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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[REDACTED] MI [REDACTED]

Date Mailed: August 11, 2022
MOAHR Docket No.: 22-002922
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 telephone hearing was held on August 4, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Yolanda Phillips-Hudgens, Family Independence Specialist.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) cases?

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 FIP and FAP benefits.
2. On or around May 24, 2022, the Department sent Petitioner a New Hire Client Notice (New Hire) regarding her son's employment that she was instructed to complete and return to the Department with any paystubs by June 3, 2022. (Exhibit A, pp. 12-14)
3. The Department did not receive the completed New Hire by the due date.
4. On or around June 8, 2022, the Department sent Petitioner a Notice of Case Action advising her that effective July 1, 2022, her FIP and FAP cases would be

closed on the basis that she failed to verify requested information. (Exhibit A, pp.7-11)

5. On July 8, 2022, Petitioner requested a hearing disputing the Department's actions with respect to her FIP and FAP cases. (Exhibit A, pp. 3-4)
6. On July 8, 2022, the Department received a Change Report filed by Petitioner on which she reported a change in her address to [REDACTED] MI [REDACTED] Petitioner reported that the date of change was June 9, 2022. (Exhibit A, pp. 5-6)

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 (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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Department routinely matches recipient data with other agencies through automated computer exchanges. BAM 807 (April 2022), p.1. The State New Hires Match is a daily exchange of information collected to determine current income sources for active clients of Department issued benefits. BAM 807, p. 1. For State New Hire matches, if the employment has not been previously reported, the Department is to request verification of the employment by sending the client a DHS-4635 New Hire Notice. BAM 807, p.1. Clients are given 10 calendar days to provide verification from the date the forms were requested. If verifications are not returned by the 10th day, the appropriate case action will need to be initiated to close the case in Bridges. If the client reapplies, the date of the new application will determine if the New Hire verification must be returned before processing the new application. BAM 807, p. 2.

In this case, the Department representative testified that it received notification that Petitioner's son had gained employment. The Department representative testified that in

accordance with the above referenced policy, it sent Petitioner the New Hire and instructed her to submit verification of her son's employment. The Department representative testified that because it did not receive a completed New Hire form from Petitioner by the June 3, 2022, due date, it initiated the closure of her FIP and FAP cases by sending the Notice of Case Action dated June 8, 2022, advising of a case closure effective July 1, 2022. The Department testified that as of the hearing date, it had not received the completed New Hire form from Petitioner. The Department testified that Petitioner filed a redetermination on June 24, 2022, but there was no employment information identified for her son and thus, could not be used to satisfy the verification requirements requested in the New Hire.

At the hearing, Petitioner testified that she was not aware of her son's employment until June 2022, that he was only employed for a summer job and is no longer working, and that he will be moving out of her home when he goes to live on campus for college. Petitioner testified that she did not receive the New Hire which is why she did not complete it. While Petitioner testified that she moved to her current address of [REDACTED] MI [REDACTED] during the second week of May 2022, and it was established that both the New Hire and Notice of Case Action were sent to Petitioner's previous address of [REDACTED] MI [REDACTED] Petitioner conceded that she did not notify the Department of the change in her mailing address until she filed her request for hearing on July 8, 2022. This was confirmed by a Change Report date stamped as received by the Department on July 8, 2022, and presented for review at the hearing. Because the Department was unaware of Petitioner's change in mailing address, the Department followed policy by sending the New Hire to her address of record. Therefore, upon review, the Department properly closed Petitioner's FIP and FAP cases effective July 1, 2022, on the basis that she failed to timely return the New Hire.

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 closed Petitioner's FIP and FAP cases. Petitioner is advised that she is entitled to submit a new application for FIP and FAP benefits and her eligibility will be determined.

DECISION AND ORDER

Accordingly, the Department's FIP and FAP decisions are **AFFIRMED**.

ZB/ml



Zainab A. Baydoun
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 :

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Interested Parties

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Petitioner

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