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

GRETCHEN WHITMER
GOVERNOR

ORLENE HAWKS
DIRECTOR

[redacted]
[redacted]
[redacted] **MI** [redacted]

Date Mailed: November 3, 2022
MOAHR Docket No.: 22-004285
Agency No.: [redacted]
Petitioner: [redacted]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 November 2, 2022, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Hayat Nagi, Family Independence Manager. Also present was Arabic interpreter, [redacted].

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefit case?

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], 2022, Petitioner submitted an application for FIP benefits.

2. On September 16, 2022, the Department sent Petitioner a Notice of Case Action informing him that he was approved for FIP benefits.

3. On September 19, 2022, the Department received from Petitioner, through Michigan Works, a request to close his FIP benefit case.

4. On September 19, 2022, the Department sent Petitioner a Notice of Case Action informing him that his FIP benefit case was closing effective October 1, 2022, ongoing.

5. On [redacted] 2022, Petitioner submitted a request for hearing disputing the Department's actions.

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.

In this case, Petitioner submitted an application for FIP benefits. Petitioner's FIP application was approved. Shortly after the approval, the Department received a request from Petitioner to close his FIP benefit case. As a result, the Department closed Petitioner's FIP benefit case.

An adequate notice is a written notice sent to the client at the same time an action takes effect. BAM 220 (July 2020), p. 3. For FAP cases, a notice of case action is not required if the group voluntarily requests closure in writing. BAM 220, p. 5. For Family Independence Program (FIP), State Disability Assistance (SDA), Medical Assistance (MA), and Child Development and Care (CDC), the Department must issue notice when a recipient of his legal guardian or authorized representative requests in writing that the case be closed. BAM 220, p. 3. Additionally, when a client requests case closure, policy requires that the client's request be entered into Bridges. BAM 220, p. 5.

Petitioner does not speak English. It is evident from the record that Petitioner was not intending to request that his FIP benefit case close. The Department was aware that Petitioner does not speak English. The Department did not verify with Petitioner as to his intention prior to closing his FIP benefit case. Therefore, the Department did not act in accordance with policy when it closed Petitioner's FIP benefit case.

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 not act in accordance with Department policy when it closed Petitioner's FIP benefit case.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Redetermine Petitioner's FIP eligibility as of October 1, 2022, ongoing;

2. If Petitioner is eligible for additional FIP benefits, issue supplements he is entitled to receive; and

3. Notify Petitioner of its decision in writing.

EM/tm

Ellen McLemore
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
Chelsea McCune
Macomb County DHHS Warren Dist.
27690 Van Dyke
Warren, MI 48093
MDHHS-Macomb-20-Hearings@michigan.gov

Interested Parties
B. Sanborn
M. Schoch
BSC4
MOAHR

Via-First Class Mail :

Petitioner
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