



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: November 22, 2022
MOAHR Docket No.: 22-004739
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 21, 2022. The Petitioner was self-represented and had his living-together-partner [REDACTED] appear as a witness. The Department of Health and Human Services (Department) was represented by Demetria Davis, Family Independence Manager.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) pandemic supplement?

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 the first of a series of applications which were granted, closed, and denied for FIP benefits due to a series of errors by the Department.
2. On September 28, 2022, the last in a series of applications was denied from August 19, 2022, but then reinstated with the assistance of the help desk ticket back to April 14, 2022.
3. For August 2022, each FIP family was supposed to receive a \$300.00 clothing allotment for each child.
4. For September 2022, each FIP family was supposed to receive an additional \$800.00 pandemic supplement for each child.

5. Because of the problems in processing Petitioner's case, initially, Petitioner did not receive either supplement.
6. On September 29, 2022, the Department submitted a help desk ticket to correct the error so that Petitioner would receive the clothing and pandemic supplements.
7. On October 3, 2022, the Department was able to correct and issue the clothing allotment.
8. On October 7, 2022, the Department denied Petitioner for the \$800.00 per child pandemic supplement.
9. On October 11, 2022, the Department received Petitioner's request for hearing disputing the failure of the Department to approve the \$800.00 pandemic FIP supplement.

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, the Department made a series of errors causing Petitioner to be denied a one-time \$800.00 per child FIP pandemic supplement. Per Economic Stability Administration Memo 2022-37 dated September 12, 2022,

Any request for new FIP EDG openings or member adds for September 2022 that are processed after the initial one-time monthly payroll run for September will require an exception. Please contact Bridges Resource Center to request a supplement for the FIP EDG. Requests for the one-time exceptions after September 28, 2022 will be denied. Once the funding for the one-time supplement is depleted, there will be no additional funds allocated, regardless of the eligibility of the FIP EDG.

In this case, although it is entirely the Department's fault for why Petitioner did not receive the pandemic supplement, the FIP pandemic supplement was only available until September 28, 2022. The request to fix the error in Petitioner's case was not made

until September 29, 2022. Therefore, policy required the request to be denied in all cases, regardless of the reason.

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 denied Petitioner the FIP pandemic supplement of \$800.00 per child.

DECISION AND ORDER

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

AMTM/cc



Amanda M. T. Marler
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 :

Interested Parties

MDHHS-Oakland-DistrictII-Hearings
BSC4-HearingDecisions
D. Sweeny
M. Holden
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]