



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR



Date Mailed: July 21, 2023
MOAHR Docket No.: 23-003057
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 July 5, 2023. The Petitioner appeared and represented himself. The Department of Health and Human Services (MDHHS) was represented by Lori Turner, Eligibility Specialist.

ISSUE

Did MDHHS act in accordance with policy when it did not issue Family Independence Program (FIP) benefits to Petitioner in January 2023?

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 benefits.
2. On December 20, 2022, Respondent submitted a redetermination of FIP benefits to MDHHS for the certification period January 1, 2023 through January 31, 2023.
3. On January 9, 2023, Petitioner began to work for [REDACTED] (Employer), receiving his first paycheck on January 26, 2023.
4. On January 20, 2023, Respondent was interviewed by MDHHS as part of the redetermination process and reported his employment.
5. On February 16, 2023, MDHHS issued a Notice of Case Action to Petitioner, informing him that his FIP case was closed, effective January 1, 2023, due to excess income.

6. On March 20, 2023, MDHHS received Petitioner's timely submitted hearing request disputing the closure of his FIP case in January 2023.
7. On May 4, 2023, a hearing was held regarding Petitioner's March 20, 2023 hearing request.
8. On May 12, 2023, a Decision and Order was issued, reversing MDHHS' decision to close Petitioner's FIP case and ordering that MDHHS reinstate Petitioner's FIP case as of January 1, 2023; reprocess Petitioner's reported change of income; issue supplements if Petitioner was eligible for FIP benefits; and notify Petitioner of its decision in writing (Exhibit A, pp. 6-8).
9. On May 16, 2023, MDHHS closed Petitioner's FIP case, effective January 1, 2023, due to excess income (Exhibit A, pp. 9-15).
10. On June 2, 2023, Petitioner submitted a hearing request, disputing the closure of his FIP case, effective January 1, 2023, arguing that he should have received FIP benefits for January 2023 and the effective closure date should be February 1, 2023, after he received his first paycheck from Employer (Exhibit A, pp. 3-4).

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 disputes that he did not receive FIP benefits in January 2023, arguing that the effective closure date should be February 1, 2023, after he received his first paycheck from Employer.

Petitioner was an ongoing recipient of FIP benefits. Petitioner submitted the required redetermination of FIP benefits on or about December 20, 2022, for the certification period January 1, 2023 through January 31, 2023. MDHHS must periodically redetermine or renew an individual's eligibility for active programs. The redetermination process includes thorough review of all eligibility factors. BAM 210 (October 2022), p. 1. **For FIP cases, MDHHS must conduct a telephone interview with the head of household at redetermination before certifying continued eligibility.** BAM 210, p. 5 (Emphasis Added). In this case, Petitioner was not interviewed by MDHHS until

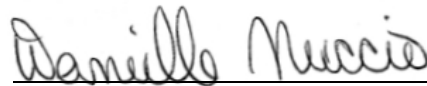
January 20, 2023. In accordance with policy, MDHHS did not certify Petitioner's FIP benefits prior to the completion of Petitioner's redetermination, including an interview. Since Petitioner was not yet certified to receive FIP benefits in January due to the pending redetermination, no FIP benefits were issued in January 2023. During the interview, Petitioner reported that he began to work for Employer on January 9, 2023, and would receive his first paycheck on January 26, 2023. MDHHS then processed this change and determined that Petitioner was no longer eligible for FIP benefits due to excess income. Petitioner does not dispute or appeal that he was not eligible to receive FIP benefits due to his income; therefore, that decision will not be reviewed. Since Petitioner had not yet been approved or recertified to receive FIP benefits in January 2023 due to the pending redetermination interview, MDHHS acted in accordance with policy in not issuing Petitioner FIP benefits in January 2023.

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 MDHHS acted in accordance with Department policy when it processed Petitioner's FIP case.

DECISION AND ORDER

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

DN/mp

A handwritten signature in cursive script, reading "Danielle Nuccio", written in dark ink.

Danielle Nuccio

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-Wayne-17-hearings
B. Sanborn
MOAHR
BSC4

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]