



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN, DPA
ACTING DIRECTOR



Date Mailed: November 6, 2023
MOAHR Docket No.: 23-006420
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 October 30, 2023. Petitioner appeared and represented herself. The Department of Health and Human Services (MDHHS) was represented by Lekeitia Cokley, Assistant Payments Supervisor.

It is noted that although Exhibit 1 was discussed and admitted as evidence during the hearing, Petitioner failed to timely file the documents with the undersigned after the hearing as instructed. Thus, Exhibit 1 is excluded from the formal record and only Exhibit A, which was properly filed and admitted, remains.

ISSUE

Did MDHHS properly deny Petitioner's application for Family Independence Program (FIP) 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. From November 1, 2017 to January 31, 2018, Petitioner received a FIP cash assistance penalty without good cause (Exhibit A, p. 20).
2. From December 1, 2019 through May 31, 2020, Petitioner received a FIP cash assistance penalty without good cause (Exhibit A, p. 20).
3. Effective September 1, 2022, Petitioner received a FIP cash assistance penalty without good cause (Exhibit A, p. 20).

4. On June 19, 2023, Petitioner applied for FIP for a group size of six, consisting of her five minor children and herself (Exhibit A, pp. 12-19).
5. On August 3, 2023, MDHHS issued a Notice of Case Action informing Petitioner that her FIP application was denied for failure to participate in employment and/or self-sufficiency-related activities and does not meet qualifying criteria for Refugee Cash Assistance (RCA) or State Disability Assistance (SDA) (Exhibit A, pp. 7-11).
6. On September 19, 2023, Petitioner timely submitted a hearing request, disputing the denial of her FIP application (Exhibit A, pp. 3-5).

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 requested a hearing to dispute the denial of her FIP application, stating that she had good cause for failure to comply with work-related requirements when sanctioned in 2022.

The Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. When an individual applies for cash assistance, Bridges determines group composition and builds an eligibility determination group (EDG) for these programs in the following order: FIP, RCA and SDA. Cash assistance is available to eligibility determination groups who meet all of the non-financial and financial requirements that are needed to determine eligibility and calculate benefit amounts. In this case, Petitioner does not qualify for RCA or SDA and MDHHS properly evaluated only Petitioner's eligibility for FIP cash assistance.

FIP is temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency related activities so they can become self-supporting. Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in Partnership. Accountability. Training. Hope. (PATH) or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2022), p. 1. FIP is not an entitlement. FIP requires an individual to meet all eligibility criteria

required for the receipt of federal or state funds or determined necessary by the department to accomplish the goals of the program. Time limits are essential to establishing the temporary nature of aid as well as communicating the FIP philosophy to support a family's movement to self-sufficiency. The message that FIP is temporary is an important part of how Michigan helps parents take advantage of the opportunities for work as well as self-sufficiency and independence. Families receiving FIP are to engage in activities that will help them gain financial independence and increase self-sufficiency. BEM 234 (July 2013), p. 1.

A WEI who refuses, without good cause, to participate in assigned employment and/or other self-sufficiency related activities is subject to penalties. BEM 230A, p. 1. Each month an individual serves a sanction period, those months count toward their state time limit. Sanction months should be counted. Sanctioned reasons that count towards the individual time limit are: Employment and training noncompliance; Family Automated Screening Tool (FAST) noncompliance; Family Self-Sufficiency Plan (FSSP) noncompliance; Family Strengthening Activities noncompliance. Once an individual reaches a FIP time limit and the FIP closes, the individual is not eligible for FIP if the individual reapplies and meets any exemption criteria. BEM 234, pp.6- 7.

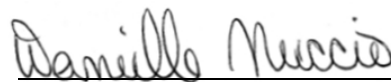
In this case, Petitioner received her third FIP sanction, effective September 1, 2022. Petitioner testified to reasons for failing to comply with FIP work-related activities at that time. However, Petitioner was required to appeal the sanction at that time by requesting a hearing. MDHHS presented evidence that Petitioner has received three sanctions from FIP (see Exhibit A, p. 20). In reviewing the denial in question of Petitioner's June 19, 2023 FIP application, MDHHS acted in accordance with policy in denying Petitioner's application for failing to participate in work-related activities for a third time.

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's FIP application.

DECISION AND ORDER

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

DN/mp



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-57-Hearings
B. Sanborn
MOAHR
BSC4

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]