



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: May 21, 2024
MOAHR Docket No.: 24-003913
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 May 13, 2024, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Sunshine Simonson, Eligibility Specialist.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) and Family Independence Program (FIP) benefits?

Did the Department properly process Petitioner's Food Assistance Program (FAP) and Medical Assistance (MA) benefits?

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 is an ongoing recipient of FAP and MA benefits.
2. On or around [REDACTED] 2024, Petitioner submitted an application requesting FIP benefits and SER assistance with relocation services.
3. The Department denied Petitioner's FIP application because it determined that as of October 2011, Petitioner had received 60 months or more of FIP benefits, which is the time limit allowed for eligibility. (Exhibit B)

4. The Department approved Petitioner's request for SER assistance with relocation services. Petitioner was approved for \$870 towards her request for assistance with first month rent and security deposit as well as \$600 towards moving and storage expenses. Petitioner was informed that she was required to make an \$849 contribution copayment towards her request for assistance before the Department would make its approved payments for relocation services. (Exhibit A, pp. 16-19)
5. The Department concluded that because Petitioner did not timely submit proof that she made her required \$849 contribution, it would not make its approved payment of \$870 towards her request for rent and security deposit or the \$600 towards her request for moving and storage expenses.
6. On or around March 28, 2024, Petitioner requested a hearing disputing the Department's actions with respect to the FAP, MA, FIP and SER programs. (Exhibit A, pp. 3-5)
 - a. At the hearing, Petitioner confirmed that the issues she requested a hearing to dispute regarding the FAP and MA programs have been resolved. Petitioner confirmed that there is no issue remaining concerning her FAP and MA benefits and withdrew her request for hearing. Petitioner confirmed that no promises were made in exchange for her withdrawal. Therefore, based on Petitioner's withdrawal, Petitioner's request for hearing concerning the FAP and MA programs will be dismissed.

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).

FIP

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 FIP benefit program is not an entitlement. BEM 234 (July 2013), p. 1. Temporary Assistance to Needy Families (TANF) is the federal grant that funds the majority of FIP benefits issued by the Department. Under the federal FIP time limit, individuals are not eligible for continued FIP benefits once they receive a cumulative total of 60 months of FIP benefits unless they are eligible for an exception to the federal time limit. Each month an individual receives federally funded FIP, the individual receives a count of one month. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. BEM 234, pp. 1-2.

An exception to the federal 60-month time limit exists for individuals who were, as of January 9, 2013, (1) approved/active for FIP benefits **and** (2) exempt from participation in the Partnership. Accountability. Training. Hope. (PATH) program for domestic violence, establishing incapacity, incapacitated more than 90 days, age 65 or older, or caring for a spouse or child with disabilities. BEM 234, p. 2. The exception continues as: the individual's ongoing FIP EDG reaches 60 TANF federal months **and** as long as the individual remains eligible for any of the foregoing employment deferral reasons or the client no longer meets other standard eligibility criteria for FIP, and at that time, the FIP case will close or the application will be denied. BEM 234, p. 2. The federal limit count begins October 1996. BEM 234, p. 1. Any month that an individual's FIP assistance is state funded is not a countable month towards the federal time limit count. BEM 234 at pp. 3-4 outlines the limited number of situations in which a FIP case will be state funded.

At the hearing, the Department representative provided a Michigan FIP Time Limit Counter and a Federal TANF Time Limit showing each of the countable months Petitioner received FIP benefits. (Exhibit A, pp. 23-24; Exhibit B; Exhibit C). The Department testified that it relied on this list to establish that as of October 1, 2011, 65 countable months of FIP benefits were issued to Petitioner during the relevant time period. Petitioner confirmed that she did not have an active FIP case as of January 9, 2013, and thus was ineligible for an exception to the federal time limit.

Petitioner disputed that she received 65 countable months of FIP benefits and asserted that while she couldn't recall exactly when she received FIP benefits, she does recall that she had not received any FIP benefits since 2010. A review of the time limit summaries provided by the Department shows that although there were some months/periods in which Petitioner did not have an active FIP case and was not receiving assistance or months which were not countable towards the time limit, the Department's evidence was sufficient to establish that Petitioner received a total of 65 countable months of FIP benefits. Therefore, because Petitioner is a mandatory member of the FIP group, and the evidence established that she reached the 60-month federal time limit on receipt of FIP benefits, Petitioner and the remaining family members are ineligible for FIP benefits.

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.

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner disputed the Department's denial of the SER application she submitted on or around [REDACTED] 2024, requesting assistance with rent, security deposit, moving and storage expenses.

SER assists individuals and families to resolve or prevent homelessness by providing money for rent (first month or rent arrearage), security deposits (if required), and moving expenses (to relocate household effects). ERM 303 (October 2022), pp. 1-2. The fiscal year maximum for relocation services for Petitioner's confirmed SER group size of five is \$870. ERM 303, p.7. Additionally, the Department will complete an SER budget for each request and determine the payment maximums, required payments, income and asset copayment, and client contributions based on the information provided to determine eligibility for SER. ERM 103 (October 2021), pp. 1-7. The SER group must contribute toward the cost of resolving the emergency if SER does not cover the full cost of the service. Other persons or organizations can also contribute funds on behalf of the SER group. Prior to authorizing the Department's portion of the cost services, verification that the contribution has been paid must be received before any SER payment can be made. ERM 208 (December 2022), pp.1-7. Department policy provides that if the SER group meets all eligibility criteria but has an income or asset copayment, shortfall, and/or contribution, verification of payment must be received in the local office within the 30-day eligibility period or no SER payment will be made and the client must reapply. If another agency is making the payment, proof that payment will be made is required. ERM 208; ERM 103, p. 4.

In this case, the Department representative testified that it sent Petitioner a Benefit Notice advising Petitioner that the Department approved \$850 towards her request for rent/security deposit and \$600 towards moving/storage expenses. The Benefit Notice further informs Petitioner that she must make a \$849 contribution copayment towards her total request for assistance and provide proof that this payment was made prior to April 23, 2024, or the Department would not make its approved payment. (Exhibit A, pp. 16-18). It is noted that the Department acknowledged a typographical error in the Benefit Notice, as it should have reflected an approval for \$870, rather than \$850, based on the fiscal maximum for Petitioner's five person SER group. The Department concluded that because Petitioner did not timely submit proof that she made her required contributions, it did not make its approved payment of \$870 towards her request for rent/security deposit or \$600 towards moving expenses and subsequently denied the application. Petitioner argued that she could not afford the \$849 contribution, which is why she did not make the payment or provide proof to the Department that the payment had been made. Petitioner requested that she be authorized to make a reduced contribution payment, based on her income. However, because the Department approved Petitioner for the fiscal maximum based on her household size, Department policy requires Petitioner to make a contribution towards her request for assistance if the SER approved payment does not cover the full cost of the service. Petitioner was advised that she was entitled to reapply for SER and obtain the assistance of an outside organization that may be able to assist her with the required contribution. Therefore, because Petitioner did not make her required contribution, the


Department was not authorized to make its approved SER payment towards Petitioner's request for assistance with relocation services.

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 SER application.

DECISION AND ORDER

Accordingly, the hearing request with respect to FAP and MA is **DISMISSED** and the Department's FIP and SER 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:

DHHS

Tara Roland 82-17

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Interested Parties

BSC4

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MOAHR

Via First Class Mail:

Petitioner

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