



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
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: July 26, 2024  
MOAHR Docket No.: 24-005999  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

**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 June 26, 2024. Petitioner was present at the hearing and represented herself. Petitioner's daughter [REDACTED] was also present. The Department of Health and Human Services (Department) was represented by Ofonime Ekpo, Eligibility Specialist.

**ISSUE**

Did the Department properly calculate Petitioner's Food Assistance Program (FAP) benefits?

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

**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] 2024, Petitioner submitted an assistance application requesting FIP benefits for herself and her [REDACTED]-year-old daughter. (Exhibit A, pp. 8-16).
2. Petitioner's two adult children and one minor child live with her.
3. Petitioner's [REDACTED]-year-old daughter receives monthly Retirement, Survivor's, and Disability Insurance (RSDI) unearned income of [REDACTED] from the Social Security Administration.

4. Petitioner is unemployed.
5. On May 7, 2024, the Department sent a Notice of Case Action (NOCA) to Petitioner informing her that she was denied FIP benefits because her group's countable earnings exceeded the application income limit for the FIP program. (Exhibit A, pp. 17-20). The NOCA also noted a monthly income limit of [REDACTED] for the FIP program. (Exhibit A, p. 18).
6. On May 20, 2024, Petitioner requested a hearing to dispute the Department's denial of her FIP application and the amount of her Food Assistance Program (FAP) benefits. (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.

Petitioner requested a hearing disputing the Department's actions taken with respect to her FAP benefits and FIP application. Following commencement of the hearing, Petitioner testified that there was no longer a dispute regarding her FAP benefits. Therefore, Petitioner's request for hearing as it relates to FAP benefits is **DISMISSED**.

Petitioner requested a hearing disputing the Department's denial of her FIP application. Petitioner applied for FIP benefits on [REDACTED] 2024. On May 7, 2024, the Department sent Petitioner a NOCA informing her that her FIP application was denied due to excess income. The Department presented a FIP budget to establish that Petitioner exceeded the income limit for the FIP program.

A financial need must exist to receive FIP benefits. To determine the amount of FIP benefits a client is eligible to receive, income received by the certified FIP group is subtracted from the payment standard, which is the maximum benefit amount that can be received by the certified group. BEM 515 (February 2024), p. 1; BEM 518 (July 2023), p. 1. For new applications, the group is ineligible for FIP benefits if no deficit exists. BEM 518, p. 3. The payment standard is dependent on the client's FIP certified group size. BEM 515, p. 3.

For FIP benefits, the eligibility determination group (EDG) means those individuals living together whose information is needed to determine FIP eligibility. BEM 210 (July 2021), p. 2. The FIP EDG consists of the Petitioner and her dependent child. Dependent child is defined as an unemancipated child who lives with a caretaker and is one of the follows: (1) under age 18, or (2) age 18 and a full-time high school student. BEM 210, p. 2. Per policy, Petitioner's adult children cannot be included in the FIP EDG, as those children do not meet the definition of a dependent child. Petitioner and her minor child are the only two individuals in Petitioner's FIP EDG and certified group. BEM 210, pp. 2, 16. Thus, the Department properly determined that the FIP group size was two, that only included Petitioner and her teenage daughter. Based on a certified FIP group size of two, the applicable payment standard is [REDACTED] RFT 210 (April 2017), p. 1.

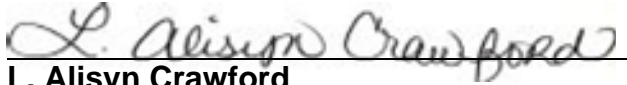
At the hearing, Petitioner testified that the sole income in her household is from her teenage daughter's monthly RSDI income of [REDACTED]. Because Petitioner's household income for her certified FIP group is in excess of the applicable payment standard of [REDACTED] of a FIP group size of two, the Department properly determined that Petitioner was not eligible for FIP assistance due to excess income.

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 determined Petitioner's FIP eligibility.

#### **DECISION AND ORDER**

Accordingly, Petitioner's request for hearing with respect to FAP benefits is **DISMISSED** and the Department's decision with respect to FIP is **AFFIRMED**.

LC/ml

  
**L. Alisyn Crawford**  
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:**

**Respondent**

Tracy Felder  
Wayne-Southwest-DHHS  
2524 Clark Street  
Detroit, MI 48209  
**MDHHS-Wayne-41-Hearings@michigan.gov**

**Interested Party**

BSC4  
B Sanborn  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via First Class Mail:**

**Petitioner**

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