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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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DIRECTOR

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██████████, MI ██████████

Date Mailed: November 1, 2024
MOAHR Docket No.: 24-010835
Agency No.: ██████████
Petitioner: ██████████ ██████████

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via Microsoft Teams (audio only) on October 30, 2024. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Angela Ware, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner’s applications for Family Independence Program (FIP) 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. On ██████████ 2024, Petitioner applied for FIP benefits.
2. On May 13, 2024, MDHHS denied Petitioner’s application dated ██████████ 2024, due to Petitioner allegedly failing to complete a Family Automated Screening Tool (FAST).
3. On May 24, 2024, MDHHS denied Petitioner’s application dated ██████████ 2024, due to an alleged Petitioner failure to verify unspecified information.
4. On June 10, 2024, MDHHS denied Petitioner’s application dated ██████████ 2024, due to an alleged Petitioner failure to complete the FAST and/or to attend Partnership-Accountability-Training-Hope (PATH) orientation.

5. On [REDACTED] [REDACTED] 2024, Petitioner applied for FIP benefits and reported being laid-off from employment, having no household income, and residing in a household including two children.
6. On July 9, 2024, MDHHS denied Petitioner's application dated [REDACTED] [REDACTED] 2024, due to excess income.
7. On September 19, 2024, Petitioner requested a hearing to dispute the denial of FIP benefits.

CONCLUSIONS OF LAW

The 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. MDHHS administers the 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. FIP policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing on September 19, 2024, in part, to dispute the denial of FIP applications since March 2024. Exhibit A, pp. 3-9. Petitioner's earliest known application since March 2024 was submitted to MDHHS on [REDACTED] [REDACTED] 2024. MDHHS inexplicably sent Petitioner three notices denying the application: May 13, 2024, May 24, 2024, and June 10, 2024. Exhibit A, pp. 17-29. The notices provided various reasons for denial; however, the reasons for denial are ultimately irrelevant because Petitioner did not timely dispute the denials.

Generally, a client's request for hearing must be received in the MDHHS local office within 90 days of the date of the written notice of case action. BAM 600 (February 2024) p. 6. The 90th day of the time period is included if it is an MDHHS business day; if not, then the next business day shall be considered the 90th day. *Id.*

MDHHS received Petitioner's hearing request 101 days after the most recently sent denial notice related to Petitioner's application dated [REDACTED] [REDACTED] 2024.¹ Thus, there is no administrative hearing jurisdiction to hear Petitioner's dispute over the [REDACTED] [REDACTED] 2024 application. Accordingly, Petitioner's dispute concerning cash assistance will be partially dismissed.

¹ Petitioner presumably applied for cash benefits before [REDACTED] [REDACTED] 2024, because MDHHS sent a denial notice on March 12, 2024. Exhibit A, pp. 11-16. It is not known if this notice stemmed from an application on or before March 2024; however, it can be reasonably inferred that MDHHS sent notice of denial before Petitioner reapplied on [REDACTED] [REDACTED] 2024 and that Petitioner's hearing request is also untimely to dispute the denial of the application - no matter its date.

Petitioner also applied for FIP benefits on [REDACTED] 2024. MDHHS testified it sent Petitioner a denial notice on August 12, 2024.² MDHHS testified it denied Petitioner's application due to excess income.

Financial need must exist to receive FIP benefits. Financial need exists when the certified group passes the Qualifying Deficit Test, Issuance Deficit Test, and the Child Support Income Test. BEM 518 (July 2023) p. 1. To perform the issuance deficit test, MDHHS subtracts budgetable income from the certified group's payment standard for the benefit month. *Id.*, p. 2. The group is ineligible for the benefit month if no deficit exists, or the group has a deficit less than \$10. *Id.* pp. 1-3. The payment standard is the maximum benefit amount that can be received by the group. BEM 515 (October 2020) p. 1.

It was not disputed that Petitioner reported a household including two children; thus, Petitioner's FIP group is three persons.³ As the grantee of a three-person group, Petitioner's payment standard is \$492. RFT 210 (April 2017) p. 1.

Petitioner testified she reported to MDHHS on her application that she had no employment income. During the hearing, MDHHS acknowledged the accuracy of Petitioner's testimony and acknowledged it had no evidence that Petitioner had any income exceeding the FIP payment standard.

Given the evidence, MDHHS failed to establish that Petitioner had excess income for FIP benefits. Accordingly, MDHHS failed to establish that it properly denied Petitioner's application dated [REDACTED] 2024. As a remedy, Petitioner is entitled to a full reprocessing of the application.⁴

² Petitioner's hearing request was timely to dispute the denial because it was submitted to MDHHS within 90 days of written notice of denial.

³ See BEM 210 for FIP group composition policy.

⁴ Petitioner also applied for FIP benefits on September 10, 2024. Exhibit A, pp. 30-38. MDHHS credibly testified it denied Petitioner's application on October 4, 2024. Petitioner was advised during the hearing that she will have to separately request a hearing to dispute the denial of this application because the denial occurred after Petitioner submitted the hearing request triggering the present case.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner failed to timely request a hearing to dispute FIP eligibility stemming from the denial of a FIP application dated [REDACTED] [REDACTED] 2024, and or earlier applications. Concerning Petitioner's FIP eligibility from applications dated [REDACTED] [REDACTED] 2024, and earlier, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS improperly denied Petitioner's FIP application dated [REDACTED] [REDACTED] 2024. It is ordered that MDHHS commence the following actions within 10 days of the date of mailing of this decision:

- (1) Reregister Petitioner's application dated [REDACTED] [REDACTED] 2024, subject to the finding that MDHHS failed to establish that Petitioner had excess income; and
- (2) Initiate reprocessing including issuance of notice and supplements, if any, in accordance with policy.

The actions taken by MDHHS are **REVERSED**.

CG/nr



Christian Gardocki

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

