



GRETCHEN WHITMER
GOVERNOR

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

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DIRECTOR

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Date Mailed: February 12, 2025
MOAHR Docket No.: 24-013888
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 16, 2025, from Lansing, Michigan. ██████████ the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by Lianne Scupholm, Hearing Facilitator (HF).

During the hearing proceeding, the Department’s Hearing Summary packet was admitted as Exhibit A, pp. 1-31.

Petitioner’s December 10, 2024 hearing request indicated three programs were at issue, Family Independence Program (FIP) cash assistance, Medical Assistance (MA), and Food Assistance Program (FAP). Shortly after the hearing commenced the parties confirmed that there were no contested issues regarding the FAP and MA programs. Petitioner withdrew the FAP and MA portions of the hearing request on the record. Accordingly, the FAP and MA portions of Petitioner’s hearing request are **DISMISSED**.

ISSUE

Did the Department properly determine Petitioner’s eligibility for the Family Independence Program (FIP) and the State Disability Assistance (SDA) program?

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 cash assistance and other benefits. Petitioner reported a household address of ██████████ MI and a

mailing address of [REDACTED]. Petitioner reported that he was the only household member and he has a disability. (Exhibit A, pp. 3-14)

2. On October 1, 2024, a Medical Verification Checklist was issued to Petitioner at the [REDACTED] address requesting verifications with a due date of October 11, 2024. None of the listed verification types were marked as being requested. (Exhibit A, pp. 15-16)
3. On November 19, 2024, a Notice of Case Action was issued to Petitioner in part indicating he was not eligible for FIP cash assistance because he is not a caretaker/relative of a child and he was not eligible for SDA cash assistance because he is not disabled. (Exhibit A, pp. 18-23)
4. On December 10, 2024, Petitioner submitted a Hearing Request contesting the Department's determination. (Exhibit A, unnumbered pages)
5. On December 12, 2024, a Medical Verification Checklist was issued to Petitioner requesting verifications needed to determine eligibility for SDA cash assistance with a due date of December 23, 2024. (Exhibit A, pp. 24-25)
6. On December 26, 2024, an Appointment Notice was issued to Petitioner scheduling a telephone appointment for January 6, 2025. (Exhibit A, p. 27)
7. At the time of the hearing, the local Department office was awaiting a disability determination from the Medical Review Team/Disability Determination Services (MRT/DDS) to determine Petitioner's eligibility for SDA case assistance. (HF Testimony)

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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Department of Human Services) administers FAP

pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

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. BEM 209, January 1, 2022, p. 1.

To be eligible for FIP, the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. BEM 210, July 1, 2021, p. 1.

SDA is a cash program for individuals who are not eligible for FIP and are disabled or the caretaker of a disabled person. BEM 214, April 1, 2019, p. 1.

In this case, Petitioner applied for cash assistance and other benefits on [REDACTED] 2024. Petitioner reported a household address of [REDACTED] MI and a mailing address of [REDACTED]. Petitioner reported that he was the only household member and he has a disability. (Exhibit A, pp. 3-14). On [REDACTED] 2024, a Medical Verification Checklist was issued to Petitioner at the [REDACTED] address requesting verifications with a due date of October 11, 2024. None of the listed verification types were marked as being requested. (Exhibit A, pp. 15-16). The Department erred by failing to mark what verifications were needed on the Medical Verification Checklist.

On November 19, 2024, a Notice of Case Action was issued to Petitioner in part indicating he was not eligible for FIP because he is not a caretaker/relative of a child. (Exhibit A, pp. 18-23). This denial was in accordance with the BEM 210 policy because Petitioner did not report that there was a dependent child in the household on his application.

The November 19, 2024 Notice of Case Action, in part, indicated Petitioner was not eligible for SDA cash assistance because he is not disabled. (Exhibit A, pp. 18-23). This denial was not in accordance with policy because the Department did not properly request verifications needed to determine SDA eligibility on the [REDACTED] 2024 Medical Verification Checklist. The Department acknowledged this error and started redetermining Petitioner's eligibility for SDA, including reissuing a Medical Verification Checklist. At the time of the hearing, the local Department office was awaiting a disability determination from the Medical Review Team/Disability Determination Services (MRT/DDS) to determine Petitioner's eligibility for SDA case assistance. (HF Testimony (Exhibit A, pp. 1 and 24-27; HF Testimony).

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 eligibility for FIP and failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for SDA on November 19, 2024.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** with respect to the denial of FIP cash assistance and **REVERSED IN PART** with respect to the denial of SDA cash assistance on November 19, 2024.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. If not already completed, continue redetermining Petitioner's eligibility for SDA for the [REDACTED] 2024 application.

CL/pt



Colleen Lack

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
Kristina Etheridge
Calhoun County DHHS
190 East Michigan
Battle Creek, MI 49016
MDHHS-Calhoun-Hearings@michigan.gov

Interested Parties

BSC3
B Sanborn
L. Karadsheh
MOAHR

Via-First Class Mail:

Petitioner

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