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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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Date Mailed: January 24, 2025
MOAHR Docket No.: 24-014066
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 on January 22, 2025, via teleconference. Petitioner appeared and represented herself. Melissa Stanley, Hearings Facilitator, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). MDHHS' Hearing Packet was admitted into evidence at the hearing as MDHHS Exhibit A, pp. 1-21.

ISSUE

Did MDHHS properly deny Petitioner's application for 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. On ██████████ 2024, Petitioner applied for cash assistance, reporting a household of one (Exhibit A, pp. 6-8). Petitioner reported that she did not have any disabilities and that she was not a refugee (Exhibit A, p. 9). Petitioner reported that her children were not living in her household (Exhibit A, p. 15).
2. On December 10, 2024, MDHHS sent Petitioner a Notice of Case Action indicating that she was denied for the cash program, effective December 16, 2024 ongoing (Exhibit A, p. 16). The notice indicated that Petitioner did not meet the basic eligibility requirements for cash assistance (Exhibit A, p. 17).
3. On December 16, 2024, Petitioner submitted a hearing request (Exhibit A, p. 3).

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), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. BEM 209 (January 2022), p. 1.

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 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. RCA is a federal program that helps refugees become self-sufficient after their arrival in the United States. BEM 215 (July 2013), p. 1. RCA is a cash program for refugees who are not eligible for FIP. *Id.* SDA is established by the Social Welfare Act, MCL 400.1-.119b. MDHHS administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, MDHHS denied Petitioner's application for cash assistance because she did not have dependent children in the household, was not the caretaker relative of a child, was not pregnant, was not aged or disabled, and was not a refugee. MDHHS asserted that Petitioner did not meet the basic eligibility requirements for FIP, RCA or SDA, and therefore, it denied her application for cash assistance.

MDHHS must determine eligibility for FIP, RCA and SDA, in that order. BEM 209 (January 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 2021), p. 1. To be considered for RCA, the group must include an individual who meets the refugee definition in BEM 630 or 225A. BEM 215 (July 2013). To be eligible for SDA, the group must include an individual who is disabled or is the caretaker of a disabled person. BEM 214 (April 2019), p. 1.

MDHHS alleged that Petitioner's FIP group did not include any dependent children under age 18. Petitioner reported that her children were not living in her household on the application and confirmed that this information was correct at the hearing. Therefore, MDHHS' determination that Petitioner was ineligible for FIP was proper because there were no dependent children in the household. Additionally, Petitioner did not allege that she was disabled or that she was a refugee. Therefore, she did not meet the basic eligibility criteria for RCA or SDA, and MDHHS properly denied her application for cash assistance.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's application for cash assistance.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

LJ/pt


Linda Jordan
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

