### STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

## IN THE MATTER OF:



 Reg. No.:
 2012-305

 Issue No.:
 1080

 Case No.:
 Issue

 Hearing Date:
 December 22, 2011

 County:
 Oakland (03)

# ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

## **HEARING DECISION**

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on December 22, 2011, from Detroit, Michiga n. Participants on behalf of Claimant inc luded the c laimant. Participants on behalf of Department of Human Services (Department) included (FIM).

### <u>ISSUE</u>

Did the Department properly cl ose Claimant's case for Family Independence Program (FIP) benefits?

# FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:

- 1. Claimant was an ongoing recipient of FIP benefits.
- 2. On September 15, 2011, the Department notified Claimant that Claimant's FIP case would close effective **September 19, 2011**, because Claimant exceeded the lifetime limit on the receipt of FIP assistance.
- On September 15, 2011, Claimant filed a Request fo r Hearing, disputing the Department's action on the basis that the Department
   Miscalculated the number of months Claimant had received FIP benefits.
   Improperly determined Claimant's group composition.

### CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and Mich Admin Code, R 400.3101 t hrough R 400.3131. FI P replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Departm ent policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Referenc e Tables Manual (RFT).

FIP is not an entitlement. BEM 234. Time limits are e ssential to establishing the temporary nature of aid as well as communicating the FIP philosophy to support a family's movement to self-sufficiency. BEM 234. BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 48 months for state-funded FIP cases and 60 months for federally-funded FIP cases.

Additionally, the record documents 80 monthly FIP payments.

## DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department indicated did act properly indicated did not act properly when it closed Claimant's FIP case.

Accordingly, the Department's decision is

- REVERSED

for the reasons stated above and on the record.

Michael J. Bennane Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: January 17, 2012

Date Mailed: January 17, 2012

**NOTICE:** Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Dec ision and Order. MAHS will not or der a rehearing or

reconsideration on the Department's mo tion where the final decis ion cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a ti mely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
  - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at Michigan Administrative Hearings

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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