

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 33895
Issue No.: 1021, 5000, 3008
Case No.: [REDACTED]
Hearing Date: March 15, 2012
County: Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], JET Specialist.

ISSUE

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

Did the Department properly deny the Claimant's Food Assistance (FAP) application for benefits for failure to verify information?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. On January 13, 2012, the Department notified Claimant that Claimant's FIP application was denied effective February 16, 2012, because Claimant exceeded the lifetime limit on the receipt of FIP assistance.
3. The Department provided a Federal TANF Time Limit screen which indicated that the Claimant had received FIP cash assistance for 93 months. Exhibit 1

4. The Claimant applied for FAP benefits on January 25, 2012 and was sent, and received, a verification checklist dated 1/31/12. Exhibit 3
5. The Claimant responded to the verification checklist but did not provide proof of receipt of workers compensation income, because same was not specifically requested by the Department.
6. On February 10, 2012, The Department sent the Claimant a Notice of Case Action which denied the Claimant's January 25, 2012 application for FAP benefits due to failure to provide verification.
7. On February 14, 2012, Claimant filed a Request for Hearing, disputing the Department's action on the basis that the Department
 - miscalculated the number of months Claimant had received FIP benefits
 - improperly denied the Claimant's FAP application. .
 - improperly determined Claimant's group composition.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

FIP CASH ASSISTANCE

FIP is not an entitlement. BEM 234. Time limits are essential 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 proofs submitted by the Department demonstrated that the Claimant received 93 months of Federal FIP benefits during the period beginning October 1996 through October 2009. The Claimant offered no evidence to dispute the number of months, but asserted that she had been advised by her previous caseworker that during the period she was medically deferred by Work First the FIP benefits she received did not count toward her FIP total.** This medical deferral only applied to the State of Michigan counter, not the Federal month counter. The evidence clearly demonstrated that the Claimant did exhaust 93 months of FIP benefits and thus is no longer eligible to receive cash assistance. (Exhibit 1). Therefore, the

Department has met its burden of proof and has demonstrated that it properly closed the Claimant's FIP case.

FAP APPLICATION DENIAL- VERIFICATION

As regards the verification issue and denial of the Claimant's FAP application, the evidence demonstrated that the verification request by the Department was unclear and did not specifically request worker's compensation income and therefore the denial of the application by the Department was not correct and the Claimant's application should not have been denied as there was no refusal to cooperate by the Claimant. BAM 130.

DECISION AND ORDER

1. 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 did act properly did not act properly when it closed Claimant's FIP case.

Accordingly, the Department's decision is

AFFIRMED
 REVERSED

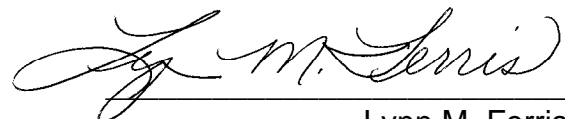
for the reasons stated above and on the record.

2. 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

did act properly did not act properly when it denied the Claimant's January 25, 2012 FAP application for refusal to verify information.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate reinstatement of the Claimant's January 25, 2012 application and shall determine Claimant's eligibility for FAP benefits.
2. the Department shall issue a supplement to the Claimant for FAP benefits, if any, she is otherwise entitled to receive in accordance with Department policy retroactive to the date of her application (1/25/12).



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 21, 2012

Date Mailed: March 21, 2012

NOTICE: Michigan Administrative Hearing System (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 Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision 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 timely 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 **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** 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 to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

