

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

IN THE MATTER OF:



Reg. No.: 2012 28441
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: July 12, 2012
County: Wayne County DHS (76)

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 July 12, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], FIM and [REDACTED], Case Manager.

ISSUE

Did the Department properly close Claimant's case 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. Claimant was an ongoing recipient of FIP benefits.
2. On December 29, 2011, the Department notified Claimant that Claimant's FIP case would close effective **January 31, 2012**, because Claimant exceeded the 48 month lifetime limit on the receipt of FIP assistance .
3. The Department also asserted that the Claimant exceeded the 60 Federal FIP time limit.

4. On January 9, 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 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 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 .

Additionally, at the hearing the Department produced a Michigan FIP Time Limit summary which indicated that the Claimant had received FIP cash assistance for a total of 48 month. Exhibit 1.

The Claimant testified that she was working for several of the months and did not receive FIP benefits for those months. The months in question were October 2008 through January 2009 and December 2009 through February 2010. the Claimant's testimony was that she worked for Kroger during the first period and for Homelife Styles for the second period. The Department testified that its record for the two periods in question showed that the Claimant received FIP benefits during both periods for the months in question and specifically testified as to the amounts received. Exhibit 2.

In its hearing summary the Department indicated that the Claimant had also exceeded the 60 month Federal time limit, however that issue was not heard or addressed, as it was determined that the 48 month State of Michigan limit had been met.

A review of the evidence demonstrates that the Claimant did in fact receive FIP benefits for the months in question. It is noted that the amounts for some of the months were smaller amounts, and thus indeed the Claimant may have been working, however that does not rebut the fact that the Claimant received benefits during those months. Therefore, based upon the record as a whole, the Department has met its burden of proof and has demonstrated that the Claimant has met the 48 month lifetime limit for receipt of FIP benefits and that the Department properly closed her FIP case.

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

did act properly did not act properly

when it closed Claimant's FIP case due to exceeding the 48 month lifetime State limit.

Accordingly, the Department's decision is

AFFIRMED

REVERSED

for the reasons stated above and on the record and as set forth in this Decision and Order.

Any issue regarding the closure by the Department of the Claimant's FIP case due to exceeding the 60 month Federal Time Limit is DISMISSED.

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

1.


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

Date Signed: July 17, 2012

Date Mailed: July 17, 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:

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- 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:

