

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201253957
Issue No: 1021
Case No: [REDACTED]
Hearing Date: June 28, 2012
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

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 Thursday, June 28, 2012 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Due to a mass update due to a change in Michigan Law, did the Department properly deny the Claimant's application close Claimant's case for the Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. Claimant applied for benefits received benefits for the FIP.
2. As of April 1, 2012, the Claimant had received 50 months of state funded FIP benefits.
3. Due to the change in Michigan law on November 1, 2011, the Department denied Claimant's application. closed Claimant's case.
4. On April 26, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. closure.
5. On May 14, 2012, Claimant filed a hearing request, protesting the denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The 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 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Michigan operates a single Family Independence Program whose budgeting and accounting methods use both federal and state funds. To execute the most efficient, fair, and cost-effective administration of the program, the proportion of federal and state funding associated with a case is dependent upon the group composition and/or individual characteristics on a case by case basis, as determined by the department. (BEM 234).

On 10/1/2007, Michigan law reduced the cumulative total of FIP to 48 months during an individual's lifetime. (BEM 234).

Any month that an individual's FIP assistance is state funded is **not** a countable month toward the federal time limit count. To meet the goals of the Family Independence Program, in a limited number of cases, the department has determined to state fund cases with one or more of the following characteristics:

- Two parent households.

Exception: If one of the parents receives SSI, the group is considered a single parent household and is federally funded.

- A group that has a parent deferred from the work participation program due to a verified disability or long-term incapacity lasting longer than 90 days; see BEM 230A.

- Court-ordered, unrelated caregivers receiving FIP for a child placed in the home by children services; see BEM 210.

- The only dependent child in the FIP group is 19 years old and attending high school full-time. This applies to months before October 1, 2011.

- A FIP group with no dependent child(ren). This applies only when the legal parent(s) and/or stepparent receives FIP when their dependent child(ren) is in an out-of-home foster care placement due to abuse and/or neglect when there is a plan to return the child(ren) to the parent's home; see BEM 210.

The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. Michigan has a 48-month lifetime limit. This 48 month lifetime limit is more restrictive than the federal 60 month lifetime limit. (BEM 234).

Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. A family is ineligible for FIP when a mandatory group member in the program group reaches the 48-month state time limit. (BEM 234).

Each month an individual serves a sanction period, those months count toward their state time limit. Sanction months should be counted starting October 1, 2007.

Sanctioned reasons that count towards the individual time limit are:

- Employment and training noncompliance.
- Family Automated Screening Tool (FAST) noncompliance.
- Family Self-Sufficiency Plan (FSSP) noncompliance.
- Family Strengthening Activities noncompliance.

Based upon the testimony presented during the hearing, I find the Claimant has received 50 months of state funded FIP benefits.

As a result, I **affirm** the Department's actions in this matter.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, the Department did act properly in this matter and therefore, I **AFFIRM** the Department's actions.

/s/
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 29, 2012

Date Mailed: June 29, 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.

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 at

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

CAA/tb

cc:

