

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-5670
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: March 5, 2012
County: Wayne County (82-57)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 in-person hearing was held on March 5, 2012, from Detroit, Michigan. Participants on behalf of claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

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 September 11, 2011, the Department notified claimant that claimant's FIP case would close effective October 1, 2011, because claimant exceeded the lifetime limit on the receipt of FIP assistance.
3. On October 18, 2011, 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 and 60 months for federally-funded FIP cases.

Additionally, after considering the testimony of the Department and claimant, the undersigned holds that there is not enough evidence to show that claimant has properly reached the federal time limit of the FIP program. Claimant testified that she had been working at a job that put her above the income threshold during most of the months that she had allegedly received FIP and, therefore, never received FIP benefits and, thus, had not reached the FIP federal time limit.

Claimant's testimony was not disputed by the Department. The Department did not provide any definitive evidence that claimant had received FIP during the time period alleged, only pointing to the fact that claimant had also received Medicaid during that same time period. Unfortunately, receiving benefits for one program is not a definitive statement as to whether benefits were received for another program; the Department cannot use claimant's alleged receipt of benefits for the Medicaid program to show FIP receipt.

Therefore, the undersigned holds that claimant did not receive FIP benefits until May 2010 and, therefore, has not reached the federal or State time limit for the receipt of FIP benefits.

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.

Accordingly, the Department's decision is

- AFFIRMED
 REVERSED

for the reasons stated above and on the record.

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

1. Remove all negative actions with regard to the above matter;
2. Reinstate any benefits claimant has missed since the negative action in the above matter;
3. Remove any months before May 2010 from claimant's federal and State FIP benefit months;
4. Recalculate claimant's federal and State countable FIP months, using the time period from May 2010 forward.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 14, 2012

Date Mailed: March 14, 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.

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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

RJC/pf

cc:

