

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

IN THE MATTER OF:



Reg. No.: 201272425
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: March 18, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application on the basis that she had exceeded the state time limit for receipt of such 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. On May 10, 2012, Claimant filed a TC-60 application seeking FIP benefits.
2. On July 12, 2012, the Department
 denied Claimant's application closed Claimant's case
due to exceeding the state time limits for FIP receipt.
3. On July 12, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.

4. On August 15, 2012, Claimant filed a hearing request, protesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services State Emergency Relief Manual (ERM).

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.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, et. seq., and Mich Admin Code R 400.3603.

The SER program is administered pursuant to MCL 400.10, et seq., and by Mich Admin Code, R 400.7001 through R 400.7049.

The August 15, 2012 hearing request Claimant filed did not clearly identify the program at issue. The Department concluded that Claimant's request concerned a State Emergency Relief (SER) application and prepared a hearing summary to address this issue. However, Claimant testified at the hearing that she had requested the hearing to dispute the Department's denial of her FIP application. Because Claimant's hearing request referenced a July 12, 2012 Notice of Case Action, and that Notice of Case Action concerned the denial of Claimant's FIP application, the hearing proceeded with respect to the FIP application denial.

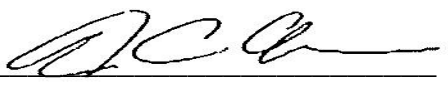
The Department presented the July 12, 2012 Notice of Case Action that denied Claimant's TC-60 FIP application, which would have made Claimant eligible for FIP benefits as of March 16, 2012, if she established eligibility. The Notice stated that Claimant's application was denied because she had exceeded the 48 month state time limit for FIP receipt.

Under the state FIP time limit, individuals are not eligible for continued FIP benefits once they receive a cumulative total of 48 months of FIP benefits. BEM 234 (October 1, 2011), p 1. The state limit count begins October 2007. BEM 234, p 1. In this case, the Department presented a Michigan FIP time limit summary showing that Claimant had receiving ongoing, uninterrupted FIP benefits for 48 months, from October 2007 through September 2011, as a mandatory work participation program participant. Claimant acknowledged her receipt of benefits during this time. Under these facts, the Department acted in accordance with Department policy when it denied Claimant's TC-60 application for FIP for exceeding the state 48-month FIP time limit. BEM 234, p 5.

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 denied Claimant's FIP application.

Accordingly, for the reasons stated above and on the record the Department's FIP decision is AFFIRMED. REVERSED.


Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 3/25/2013

Date Mailed: 3/25/2013

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

ACE/hw

cc:

