

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-28789
Issue No: 1021
Case No: [REDACTED]
Hearing Date: July 3, 2013
Genesee-06 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

RECOMMENDED 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 3, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

ISSUE

Whether the Department properly determined Claimant's eligibility 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. At all times relevant to this hearing, Claimant was a recipient of FIP benefits.
2. On approximately December 10, 2012, the Claimant notified the Department that she was disabled and unable to participate in PATH.
3. On or around December 10, 2012, the Department sent the Claimant medical needs forms.
4. On January 31, 2013, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP benefits were ending March 1, 2013 (hearing summary).
5. On or around January 28, 2013, the Claimant returned to the Department the medical needs forms. The forms indicated the Claimant had 6 weeks of limitations.

6. On or around February 2, 2013, the Department determined the Claimant's disability period was less than 90 days per the doctor's statement on the medical needs form.
7. On February 7, 2013, the Claimant requested a hearing.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because her claim for assistance is denied. MAC R 400.903(1)

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 administers the FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. The 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).

The FIP benefit program 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. Effective October 1, 2011, 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 those cases funded by federal Temporary Assistance for Needy Families (TANF) funds. Notwithstanding the 48-month lifetime limit for state-funded FIP cases, a family is not eligible to receive FIP assistance beyond 60 consecutive or non-consecutive TANF months. BEM 234. Federally-funded TANF countable months began to accrue for FIP on October 1, 1996. BEM 234.

In this case, the Claimant was seeking a deferral from the PATH program so as to stop the State FIP counter. The state allows exemption months to individuals where there is a verified disability or long-term incapacity lasting longer than 90 days.

When an individual claims to be disabled for a period lasting longer than 90 days, the Claimant needs to provide the Department with verification of the disability. Specifically, the verification must verify the disability will last longer than 90 days. If the disability and the duration cannot be verified, the Client will be required to fully participate in PATH. (BEM 230A).

In this case, the Claimant provided verifications of a disability but the verifications did not cover 90 days. Therefore, the Department could not find the existence of a long-term disability and therefore, the months are counted.

In review of the countable months, I find that the Claimant reached the 48-month limit of state-funded FIP assistance and therefore the Department acted appropriately in closing the case.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law that the Department acted in accordance with policy in determining Claimant's FIP eligibility.

The Department's actions are **AFFIRMED**.



Corey A. Arendt
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 5, 2013

CAA/las

cc:

