

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

IN THE MATTER OF:



Reg. No.: 2013 31991
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: March 27, 2013
County: Oakland County DHS (04)

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 March 27, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Success Coach.

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP) benefits?

INDINGS 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 October 17, 2012, the Medical Review Team found the Claimant was not disabled and work ready with limitations and thus was required to attend the Work First program. Exhibit 2
3. Department issued a Notice of Case Action on February 10, 2013 which notified Claimant that Claimant's FIP case would close effective March 1, 2013 because Claimant exceeded the 60 month lifetime Federal limit on the receipt of FIP assistance. Exhibit 4

4. The Claimant conceded at the hearing that she did not dispute that she had received 60 months of FIP cash assistance.
5. On February 18, 2013 Claimant filed a Request for Hearing, disputing the Department's action which closed her FIP case due to expiration of the 60 month limit.

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. On January 9, 2013 a Department Bulletin was issued reinstating the 60 month time limit policy. To be eligible, the FIP group cannot include an adult who has accumulated more than 60 TANF funded months beginning October 1, 1996. The Claimant did not meet any of the exemptions for Work First participation; that she was exempt from the path program (Work First) due to incapacity or that she was incapacitated more than 90 days as the Claimant was no longer deferred from attending Work First as she was found work ready in October 2012 by the MRT and assigned to attend Work First. During the hearing the Claimant indicated that she did attend a Work First orientation on February 11, 2013 but was turned away due to use of a cane. Exhibit 3. These facts are irrelevant to the outcome as the Claimant's FIP case was terminated due to the fact that she was no longer deferred from attending Work First as of the MRT decision, not because she failed to attend the Work First program. Exhibit 2. BPB 2013-06 (March 1, 2013)

Additionally, the proofs submitted by the Department demonstrated that the Claimant received 60 months of Federal FIP benefits and the Claimant agreed that she had received 60 months of benefits. Therefore the Department has met its burden of proof and has demonstrated that it properly closed the Claimant's FIP case.

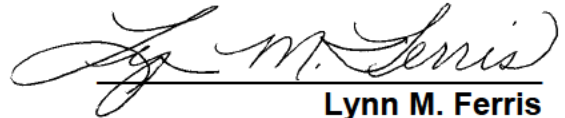
DECISION AND ORDER

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.

Accordingly, the Department's decision is

- AFFIRMED
 REVERSED

for the reasons stated above and on the record.



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

Date Signed: April 3, 2013

Date Mailed: April 3, 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

LMF/cl

cc:

