

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-32368  
Issue No.: 1021  
Case No.: [REDACTED]  
Hearing Date: April 4, 2013  
County: Wayne County (82-35)

**ADMINISTRATIVE LAW JUDGE:** Eric Feldman

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (Department) on February 21, 2013. After due notice, a telephone hearing was held on April 4, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included Claimant. Participants on behalf of the Department included [REDACTED]

**ISSUE**

Whether the Department properly determined that Claimant has exceeded the lifetime limit on Family Independence Program (FIP) benefits and was not eligible for an exception to the time limit?

**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 December 11, 2012, Claimant applied for FIP benefits and she was approved for such benefits.
2. Claimant claimed to be disabled on her FIP application.
3. On December 11, 2012, the Department requested verification of the disability and required Claimant to submit the requested verification by December 21, 2012.
4. The Department never received the requested verification by December 21, 2012.

5. On February 13, 2013, the Department notified Claimant that her FIP case would close effective March 1, 2013, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of January 1, 2010.
6. On February 21, 2013, the Department received Claimant's Request for Hearing, disputing the Department's action on the basis that she had not received FIP in excess of 60 months.

### **CONCLUSIONS OF LAW**

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 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).

The FIP benefit program is not an entitlement. BEM 234 (January 1, 2013), p. 1. Under the federal FIP time limit, individuals are not eligible for continued FIP benefits once they receive a cumulative total of 60 months of FIP benefits, unless the individual was approved for FIP benefits as of January 9, 2013, **and** was exempt from participation in the Partnership.Accountability.Training.Hope. (PATH) program for domestic violence, establishing incapacity, incapacitated more than 90 days, aged 65 or older, or caring for a spouse or child with disabilities. BEM 234 (January 1, 2013), p. 1; MCL 400.57a (4); Bridges Federal Time Limit Interim Bulletin (BPB) 2013-006 (March 1, 2013), p. 1. The federal limit count begins October 1996. BEM 234, p. 1.

At the hearing, Claimant did not dispute that she had received FIP benefits in excess of 60 months. However, Claimant testified that she is disabled and identified herself as such on her December 11, 2012, FIP application.

In the present case, the Department testified that Claimant was approved for FIP benefits as of the January 9, 2013, requirement. When Claimant applied for FIP benefits, she claimed to be disabled on the application. Thus, the Department requested verification of the disability from Claimant and required such proofs by December 21, 2012. The Department never received the requested verification by the due date. Due to Claimant not submitting the requested verification, the Department did not defer Claimant from the FIP program for the establishment of a disability.

At intake, redetermination or anytime during an ongoing benefit period, when an individual claims to be disabled or indicates an inability to participate in work or the work participation program for more than 90 days because of a mental or physical condition, the client should be deferred by the Department. BEM 230A (November 2012), p. 10. Once a client claims a disability he/she must provide the Department with verification of the disability when requested. BEM 230A, p. 10. For FIP cases, the Department allows the client 10 calendar days (or other time limit specified in policy) to provide the verification requested. BAM 130 (May 2012), p. 5. The verification must indicate that

the disability will last longer than 90 calendar days. BEM 230A, p. 10. If the verification is not returned, a disability is not established, and the client will be required to fully participate in the work participation program as a mandatory participant. BEM 230A, p. 10.

In this case, Claimant failed to establish a disability exemption as of January 9, 2013. Claimant contends that she was actually disabled as of January 9, 2013. Claimant claims she attempted to complete the required disability verification forms and that the Department failed to assist her when she requested help. However, in this case, Claimant was eventually able to complete the forms and submitted them more than a month later in February 2013. Additionally, Claimant attended the work participation program from December 26, 2012, and continued to participate until mid-January 2013. The Department properly denied Claimant's deferral from the work participation program because Claimant failed to submit the requested verification timely. Because Claimant failed to submit the verification requests timely, the Department acted in accordance with Department policy when it did not defer Claimant due to a disability exemption and required her to fully participate in the work participation program. BEM 230A, p. 10.

In summary, Claimant failed to prove she was deferred from the FIP program as of January 9, 2013, because she did not submit her disability verification forms timely. Therefore, Claimant failed to prove an establishing incapacity that made her exempt from the federal 60-month time limit policy.

Thus, the Department  did  did not act in accordance with Department policy when it closed Claimant's FIP case effective March 1, 2013, for reaching the 60-month federal time limit.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly closed Claimant's FIP case  improperly closed 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, decides that the Department

did act properly.  
 did not act properly.

Accordingly, the Department's FIP eligibility determination is

AFFIRMED.      REVERSED.



**Eric Feldman**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 9, 2013

Date Mailed: April 9, 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 affect the substantial rights of the claimant:
  - 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

EJF/pf

cc:

