

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-32554
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Wayne 76

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the 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 conducted from Detroit, Michigan on Thursday, April 4, 2013. The Claimant appeared and testified. Participating on behalf of the Department of Human Services was [REDACTED].

ISSUE

Whether the Department properly determined that Claimant has exceeded the 60-month federal lifetime limit on Family Independence Program (FIP) benefits and was not eligible for an exception.

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 FIP recipient.
2. On February 10, 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 benefits.
3. On February 21, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action.

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 Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services 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.

In this case, Claimant requested a hearing regarding the termination of FIP benefits based on having exceeded 60 months of federally funded benefits. On January 9, 2013, the evidence shows that Claimant was receiving state-funded FIP benefits. At that time, Claimant was a mandatory PATH participant; however, Claimant was “establishing incapacity” which is a recognized exception. During the hearing, the Department testified that the Medical Review Team (“MRT”) found Claimant not disabled and, thus, able to participate with the PATH program. Conversely, Claimant testified that the MRT decision was based on old medical records, and not on her new records. Prior to this point, Claimant was deferred due to “incapacitated to work” or “establishing incapacity” since April 2011. Regardless, the evidence shows that in January 2013, Claimant met a specified exemption. In light of the foregoing, it is found that the Department failed to establish it acted in accordance with Department policy when it terminated Claimant’s FIP benefits when she met an exemption of establishing incapacity. Accordingly, the Department’s determination is REVERSED.

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 the Department failed to establish it acted in accordance with Department policy when it terminated the Claimant’s FIP benefits for exceeding the federal time limits.

Accordingly, it is ORDERED:

1. The Department's FIP eligibility determination is REVERSED.
2. The Department shall reinstate Claimant's FIP benefits from the date of closure and supplement for lost benefits that she was otherwise eligible to receive in accordance with Department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 24, 2013

Date Mailed: April 24, 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

CMM/tm

cc:

