

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

IN THE MATTER OF:



Reg. No.: 2013-37696
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Wayne (82-43)

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 March 22, 2013. After due notice, a telephone hearing was held on April 25, 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. Claimant was an ongoing recipient of FIP benefits.
2. On March 12, 2013, the Department notified Claimant that her FIP case would close effective April 1, 2013, ongoing, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of September 2011. Exhibit 2.
3. On March 22, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action. Exhibit 3.

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, 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 in November 2012. Claimant testified that she was disabled from November 2012 through February 2013. In November 2012, Claimant testified that she went to her work participation program caseworker and provided documentation to her caseworker indicating that she was disabled due to a car accident that resulted in medical problems. Claimant testified that the work participation program caseworker would then contact her regarding this disability information. Claimant testified that she never received any contact back. Moreover, Claimant also testified that she attended the work participation program the first week of November 2012 and did not attend until the third week of February 2013 and participated ongoing.

In this case, Claimant failed to establish a disability exemption as of January 9, 2013. Claimant testified that her FIP benefits were cut off in January 2013 due to her failure to respond to a noncompliance letter with the work participation program which was sent to her on or around December 3, 2012. Claimant testified that she never received the noncompliance letter regarding the work participation program on or around December 3, 2012. Claimant then testified that when she requested her hearing, the Department restored her FIP benefits as of January 1, 2013. Based on the foregoing information, Claimant was not deferred due to a disability exemption as of January 9, 2013. Claimant's testimony indicated that a noncompliance letter was sent to her on December 3, 2012, for failure to attend the work participation program. Therefore, Claimant was not deferred with a disability exemption because the Department sent her the noncompliance letter which indicated that she was required to participate in the program.

In summary, Claimant failed to prove she was deferred from the FIP program as of January 9, 2013. 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 April 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 30, 2013

Date Mailed: April 30, 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:

