

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

**IN THE MATTER OF:**



Reg. No.: 2013-38121  
Issue No.: 1021  
Case No.: [REDACTED]  
Hearing Date: April 25, 2013  
County: Wayne (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 March 26, 2013. After due notice, a telephone hearing was held on April 25, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department included [REDACTED]

**ISSUES**

1. Whether the Department properly denied Claimant's Family Independence Program (FIP) application?
2. Whether the Department properly determined that Claimant has exceeded the lifetime limit on 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 February 21, 2013, Claimant applied for FIP benefits.
2. On March 18, 2013, the Department sent Claimant a Notice of Case Action notifying her the denial of her FIP application effective March 16, 2013, ongoing, because she quit her employment without good cause within 30 days of application. Exhibit 2.

3. The March 18, 2013, Notice of Case Action also denied Claimant's FIP application effective March 16, 2013, ongoing, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of April 1, 2011. Exhibit 2.
4. On March 26, 2013, the Department received Claimant's Request for Hearing, disputing the Department's action. Exhibit 5.

### **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).

Federal and state laws require each work eligible individual (WEI) in the FIP group to participate in PATH or other employment-related activity unless temporarily deferred or engaged in activities that meet participation requirements. BEM 230A (January 2013), p. 1. These clients must participate in employment and/or self-sufficiency-related activities to increase their employability and obtain employment. BEM 230A, p. 1.

In the present case, Claimant applied for FIP benefits on February 21, 2013. On March 18, 2013, the Department sent Claimant a Notice of Case Action notifying her of the denial of her FIP application effective March 16, 2013, ongoing, because she quit her employment without good cause within 30 days of application. The March 18, 2013, Notice of Case Action also denied Claimant's FIP application effective March 16, 2013, ongoing, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of April 1, 2011.

Refusing suitable employment can mean quitting a job. BEM 233A (January 2013), p. 3. A WEI applicant who refused employment without good cause, within 30 days prior to the date of application or while the application is pending, must have benefits delayed. BEM 233A, p. 5. Good cause is a valid reason for noncompliance with employment and/ or self-sufficiency-related activities that are based on factors that are beyond the control of the noncompliant person. BEM 233A, p. 3. Good cause can include an unplanned event or factor which could be a health or safety risk to the person. BEM 233A, p. 5.

At the hearing, the Department presented as evidence Claimant's FIP application which indicated that Claimant quit her job within 30 days of her application. Exhibit 1. Therefore, the Department denied Claimant's FIP application as one of the reasons because Claimant did not establish good cause for quitting her job. However, at the hearing, Claimant credibly testified that she quit her job due to a health and safety risk.

Moreover, Claimant testified she was pregnant at the same time. Therefore, Claimant established good cause of why she quit her job. Nevertheless, Claimant is not eligible for FIP benefits because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of April 1, 2011.

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 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, the Department presented evidence that Claimant had received FIP benefits in excess of 60 months as of April 2011. Exhibit 4. There was testimony that Claimant had received some form of cash assistance; however, that ended in October of 2012. Claimant testified that she did not apply or receive any FIP benefits between October of 2012 until her application on February 21, 2013.

Based on the foregoing information and evidence, Claimant is not eligible for FIP benefits because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of April 1, 2011. Claimant did not meet any of the disability exemptions as of January 9, 2013, because her application was after such date. Thus, the Department acted in accordance with Department policy when it did deny Claimant's FIP application because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of April 1, 2011.

Thus, the Department  did  did not act in accordance with Department policy when it denied Claimant's FIP application effective March 16, 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 denied Claimant's FIP application  improperly closed Claimant's FIP case

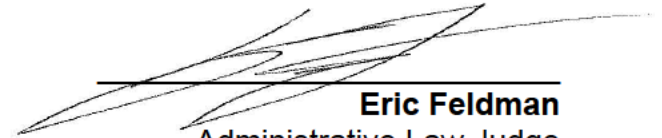
### **DECISION AND ORDER**

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:

