

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

IN THE MATTER OF:



Reg. No.: 201339423
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Wayne DHS (41)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. After due notice, a telephone hearing was held on May 1, 2013, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) benefit eligibility for exceeding the lifetime limit for receiving federally issued FIP benefits.

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 benefit recipient.
2. Through 3/2013, Claimant accrued 72 months of countable federal FIP benefit months.
3. On 3/18/13, DHS terminated Claimant's FIP benefit eligibility, effective 4/2013, by determining that Claimant's countable federal FIP benefit months exceeded the lifetime limit.
4. On 3/18/13, DHS notified Claimant of the closure.

5. On 3/29/13, Claimant submitted to DHS a Request for Hearing disputing the termination of FIP benefits.

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 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). 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 and MCL 400.57a (4) restrict the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 60 months for cash assistance program benefits funded with temporary assistance for needy families whether or not those months are consecutive.

The present case concerns a FIP benefit termination based on Claimant meeting the lifetime limits for FIP benefit eligibility. Claimant made two arguments to dispute the termination.

Claimant testified that some of the months counted by DHS included months when her child's father was the grantee (i.e. the case was in her child's father's name) for the FIP benefits. Claimant contended that DHS should not have counted months when she was part of the FIP benefit group, but not the FIP benefit grantee.

The FIP time limits are applied at an individual level. BEM 234 (1/2013), p. 4. Individuals that receive a time limit count are:

- adults age 18 and older who are eligible in the FIP group or disqualified due to a particular sanction; and
- minor parents who are the head-of-household.

Id.

Based on the above policy, months when Claimant was an adult in a FIP benefit group count toward her lifetime limit, even if she was not the grantee. Accordingly, DHS properly counted months where Claimant was a FIP group member towards Claimant's lifetime FIP benefit month limit.

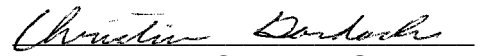
Claimant testified that she was deferred from work participation program participation in the past for domestic violence-related reasons. Claimant testified that she was deferred for approximately six months. Claimant contended that DHS improperly counted those months towards her federal time limit count.

The state time limit allows exemption months in which an individual does not receive a count towards the individual's state time limit. BEM 234 (10/2011), p. 2. However, the federal time limit continues, unless the exemption is state funded. *Id.* Effective October 1, 2011, exemption months are months the individual is deferred from the work participation program (WPP) for: domestic violence, age 65 and older, a verified disability or long-term incapacity lasting longer than 90 days or a spouse or parent who provides care for a spouse or child with verified disabilities living in the home. *Id.*, pp. 2-3.

Accepting Claimant at her word, DHS improperly counted six months towards the federal time limit. Subtracting the six months would still place Claimant at 66 countable months which still exceeds the 60 month limit. Accordingly, DHS properly terminated Claimant's FIP benefit eligibility due to Claimant exceeding the federal time limit of countable FIP benefit months.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefit eligibility, effective 4/2013. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 5/9/2013

Date Mailed: 5/9/2013

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:

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- 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

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cc:

