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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-42314
Issue No.: 1021
Case No.: [redacted]
Hearing Date: May 23, 2013
County: Macomb-20 County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 23, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [redacted] Participants on behalf of Department of Human Services (Department) included [redacted]

ISSUE

Whether the Department properly determined that the Claimant has exceeded the lifetime limit on Family Independence Program (FIP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, including the testimony at the hearing, finds as material fact:

1. On or around April 1, 2013, the Department determined the Claimant was not eligible for FIP benefits after exceeding the lifetime limit on cash assistance program benefits funded with temporary assistance for needy families.

2. On April 1, 2013, the Department closed the Claimant's FIP case.

3. On April 16, 2013, the Claimant requested a hearing in dispute of the FIP closure.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The 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

(formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Each month an individual receives federally funded FIP, the individual receives a count of one month. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. Any month that an individual's FIP assistance is sate funded is not a countable month toward the federal time limit count. To meet the goals of the Family Independence Program, in a limited number of cases, the department has determined to state fund cases with one more of the following characteristics. (BEM 234).

- Two parent households.
- A group that has a parent deferred from the work participation program due to a verified disability or long-term incapacity lasting longer than 90 days; see BEM 230A.
- Court-ordered, unrelated caregivers receiving FIP for a child placed in the home by children services; see BEM 210.
- The only dependent child in the FIP group is 19 years old and attending high school full-time. This applies to months before October 1, 2011.
- A FIP group with no dependent child(ren). This applies only when the legal parent(s) and/or stepparent receives FIP when their dependent child(ren) is in an out-of-home foster care placement due to abuse and/or neglect when there is a plan to return the child(ren) to the parent's home; see BEM 210.

In this case, the Department did not have sufficient evidence to show their actions were in conformity with the applicable laws and policies. The Department testified the Claimant had reached 60 countable federal months but could not identify the months that were counted or why they were counted. Therefore, I could not determine whether or not the Claimant actually received benefits for each of the months alleged and further could not identify whether the month being counted was properly counted as either federal or state.

Accordingly, I am reversing the Department in this matter.

DECISION AND ORDER

I find, based upon the above Findings of Fact and Conclusions of Law, the Department did not act properly in this matter.

Accordingly, I **REVERSE** the Department's actions.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a redetermination as to the Claimant's eligibility for FIP benefits beginning April 1, 2013 and issue retroactive benefits if otherwise eligible and qualified.

Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 24, 2013

Date Mailed: May 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.

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
Recons ideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/las

cc: [redacted]