

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

IN THE MATTER OF:



Reg. No.: 2013-43094
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: June 5, 2013
County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 June 5, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application on the basis that she had exceeded the State time limit for receipt of such 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 applied for FIP benefits on April 10, 2013.
2. On April 15, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP application was denied because she had received FIP benefits in excess of the 48-month State time limit allowed for eligibility.
3. On April 17, 2013, Claimant filed a hearing request, protesting the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services State Emergency Relief Manual (ERM).

The Family Independence Program (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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Department denied Claimant's April 10, 2013, FIP application on the basis that she had exceeded her 48 months of eligibility under the State time limit. Under the State FIP time limit, individuals are not eligible for continued FIP benefits once they receive a cumulative total of 48 months of FIP benefits. BEM 234 (January 2013), p. 1. The State limit count begins October 2007. BEM 234, p. 1. The State time limit allows exemption months in which a client does not receive a count towards the State time limit. BEM 234, p. 2. Exemption months are months the individual is deferred from Partnership.Accountability.Training.Hope. (PATH) for (i) domestic violence, (ii) age 65 and older, (iii) a verified disability or long-term incapacity lasting longer than 90 days, or (iv) providing care for a spouse or child with verified disabilities living in the home. BEM 234, pp. 2-3.

In this case, in support of its case that Claimant had exceeded the State FIP time limit, the Department presented a Michigan/Federal Time Limit Search Summary that concluded that Claimant's total countable month count under the State program was 48 months. Claimant disputed the Department's calculation of the number of months she had received benefits, stating that she did not receive benefits during the periods she was employed in the food services industry and while she was serving as a child care provider and receiving payment from Child Development and Care (CDC) benefits. The Department did not provide a month-by-month breakdown establishing that Claimant had received FIP benefits for 48 months. In the absence of such evidence, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy in denying Claimant's April 10, 2013, FIP application on the basis that Claimant was not eligible for FIP benefits under the 48-month State FIP time limit.


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 that the Department did not satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's FIP application because she had exceeded the FIP State time limit.

Accordingly, the Department's FIP decision is REVERSED.

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

1. Reregister Claimant's April 10, 2012, FIP application;
2. Begin reprocessing the application in accordance with Department policy;
3. Issue supplements to Claimant for FIP benefits she was eligible to receive but did not from April 10, 2013, ongoing; and
4. Notify Claimant in writing of its decision in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 12, 2013

Date Mailed: June 13, 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

2013-43094/ACE

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

