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

IN THE MATTER OF:



Reg. No.:2Issue No.:1Case No.:1Hearing Date:3County:1

2013-48050 1021

June 20, 2013 Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Admini strative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on J une 20, 2013 from Lansing, Mi chigan. Participants on behalf of Claimant included Participants on behalf of Department of Human Services (Department) included

ISSUE

Whether the Depart ment properly determined that the Claim and has exceeded the lifetime limit on Family Independence Program (FIP) benefits?

FINDINGS OF FACT

The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, i ncluding the test imony at the hearing, finds as material fact:

- 1. On or around April 30, 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 30, 2013, the Department sent the Claimant a notice of case action.
- 3. On May 13, 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 mandat ory member of the FIP group reaches the 60 TANF -funded month federal time limit. Any month t hat an individual's FIP assistance is sate funded is not a countable month towa rd 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 stat e 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 fo ster care placement due to abuse and/or neglect when ther e is a plan to return the child(ren) to the parent's home; see BEM 210.

In this case, the Department did not have suffi cient evidence to show their actions were in conformity with the applic able laws and policies. The Department testified the Claimant had reached 60 count able feder al months but coul d 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 t he month being counted was pro perly count ed as eith er 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 t he Claimant's eligibility for FIP benefits beginning June 1, 2013 and issue retroactive benefits if otherwise eligible and qualified.

fact

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

Date Signed: June 21, 2013

Date Mailed: June 24, 2013

NOTICE: Michigan Administrative Hearing S ystem (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 Dec ision and Order. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration <u>MAY</u> be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical errors, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address ot her relevant iss ues 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



