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

IN THE MATTER OF:



Reg. No.: 201335919

Issue No.: 1080 Case No.:

Hearing Date: County DHS:

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 received by the Department of Human Services (Department) on hearing was held on the Claimant included.

After due notice, a telephone participants on behalf of the Department included.

Participants on behalf of the 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, finds as material fact:

- 1. The Claimant was an ongoing Fam ily Independence Program (FIP) recipient until
- On the control of the Department determined that the Claim ant is not eligible for FIP benefits after exce eding the lifetime limit on cas has assistance program benefit s funded with temporary assistance for needy families.
- 3. On the Department notified the Claimant of the closure.

4. On the Department received the Claimant's Request for Hearing, disputing the Department's action on the basis that the Department improperly determined the number of months that the Claimant has received federally -funded F amily I ndependence Program (FIP) benefits.

CONCLUSIONS OF LAW

Clients have the right to contes t a Department decision affect ing eligibility for benefit levels whe never it is belie ved that the decision is incorrect. The Department Bridges Administrative Manual (BAM) 600 (February 1, 2013). The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code (Mich Admin Code), R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because the claim for assistance is denied. Mich Admin Code, R 400.903(1).

FIP was e stablished pursuant to the Pers onal Resp onsibility a nd 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 Ai d to Dependent Children (ADC) program effective October 1, 1996. Department policies are contained in BAM, the Bridge s 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 fa milies whe ther or not those months are consecutive.

In this case, the Department presented record s showing that the Claimant has received 75 months of federally-funded Family Independence Program (FIP) benefits.

Testimony and other evidence must be we ighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credi bility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness 's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

In this case, the Department presented sufficient credible testimony and documentary evidence at the hearing establis hing that, as of the control of the co
This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds the Department has met its burden of proving by a preponderance of the evi dence that the Claimant has reached or exceeded the lifetime limit of 60 months for cash assist ance program benefits f unded with temporary assistance for needy families.
Accordingly, the Administrative Law Judge finds that, based on the competent, material, and subst antial evidence pr esented during the hearing, the Department properly determined that the Claimant has exceeded the lifetime limit for federally-funded Family Independence Program (FIP) benefits.
Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department:
□ properly closed Claimant's FIP case □ improperly closed Claimant's FIP case
DECISION AND ORDER
The Administrative Law Judge, based upon the above findings of fact and conclusion sof law, decides that the Department \boxtimes did act properly when it determined that the Claimant has reached the 60 month lifetime limit of federally funded FIP assistance.
Accordingly, the Department's FIP eligibility determination is
⊠ AFFIRMED □ REVERSED
for the reasons stated on the record.
/ <u>s/</u> Kevin Scully Administrative Law Judge for Maura Corrigan, Director Department of Human Services
Date Signed: <u>04/30/2013</u>
Date Mailed: 04/30/2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order. MAHS will not order 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. (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 <u>MAY</u> 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 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

KS/kI

cc: