

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

**IN THE MATTER OF:**



Reg. No.: 201343071  
Issue No.: 1080  
Case No.: [REDACTED]  
Hearing Date: June 11, 2013  
County: Genesee 06

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 conducted on June 11, 2013. Claimant appeared and testified.

**ISSUE**

Whether the Department properly denied Claimant's March 29, 2013 Family Independence Program (FIP) application because Claimant has exceeded the federal 60 month 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, finds as material fact:

1. On September 11, 2011, the Department determined that Claimant had received 124 months of federally funded Family Independence Program (FIP) benefits.
2. On November 2, 2012, Claimant's Family Independence Program (FIP) was closed because she would receive more money in child support than her FIP grant amount.
3. On March 29, 2013, Claimant submitted an application for Family Independence Program (FIP) benefits. Claimant was an ongoing recipient of Family Independence Program (FIP) benefits.
4. On April 4, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated she was not eligible for Family Independence Program (FIP) benefits because she has exceeded the federal 60 month lifetime FIP limit.

5. On April 10, 2013, Claimant submitted a request for hearing.

### **CONCLUSIONS OF LAW**

Clients have the right to contest a Department decision affecting eligibility for benefit levels whenever it is believed 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 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.

At the hearing Claimant did not dispute that she had exceeded the federal 60 month lifetime FIP limit. Claimant asserted that she should still receive FIP because she had not exceeded the Michigan 48 month lifetime FIP limit.

Department of Human Services Bridges Eligibility Manual (BEM) 234 (2013) page 6 states: "Once an individual reaches a FIP time limit and the FIP closes, the individual is not eligible for FIP if the individual reapplies and meets any exemption criteria."

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly denied Claimant's March 29, 2013 Family Independence Program (FIP) application because Claimant has exceeded the federal 60 month lifetime limit on Family Independence Program (FIP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/  
Gary F. Heisler  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: 6/25/13

Date Mailed: 6/25/13

**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 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

GFH/tb

cc:

