

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 20135264  
Issue No: 1021  
Case No: [REDACTED]  
Hearing Date: February 28, 2013  
Muskegon County DHS

**ADMINISTRATIVE LAW JUDGE:** C. Adam Purnell

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing received by the Department of Human Services (department) on October 9, 2012. After due notice, a telephone hearing was held on February 28, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant). Participants on behalf of the Department included [REDACTED] (Family Independence Manager).

**ISSUE**

Whether the department properly determined Claimant's eligibility for 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. Claimant was active for FIP benefits.
2. On September 29, 2012, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's FIP benefits because she had met the 48 month limit for state FIP benefits as of October 1, 2012.
3. Claimant requested a hearing protesting the FIP closure on October 9, 2012.

## **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. 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, R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because her claim for assistance is denied. Mich Admin Code R 400.903(1)

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 administers the FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. The FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP benefit program is not an entitlement. BEM 234. 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. Effective October 1, 2011, BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 48 months for state-funded FIP cases for which no months were exempt.

The 48-month lifetime limit for state-funded FIP cases allows exemption months in which an individual does not receive a count towards the individual's 48-month lifetime limit. BEM 234. Exemption months are months the individual is deferred from Partnership, Accountability, Training, Hope (PATH) for: (i) domestic violence; (ii) being 65 years of age or older; (iii) a verified disability of long-term incapacity lasting longer than 90 days; or (iv) a spouse or parent who provides care for a spouse or child with verified disabilities living in the home. BEM 234.

Once an individual reaches a FIP time limit and the FIP closes, the individual is not eligible for FIP is the individual reapplies and meets an exemption criteria based on the funding source. BEM 234.

In the present case, the Department presented sufficient, credible testimony and documentary evidence at the hearing consisting of Bridges print-outs establishing that, as of October 1, 2012, Claimant had received 48 months of state-funded assistance for which there were no exemptions in effect. The evidence presented by Claimant included her testimony that she did not know that FIP was temporary or that it was limited to 48 months for state-issued FIP.

Testimony and other evidence must be weighed 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 credibility 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).

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 evidence that the Claimant has reached or exceeded the lifetime limit of 48 months for state-funded FIP cases.

Accordingly, the Administrative Law Judge finds that, based on the competent, material and substantial evidence presented during the hearing, the department acted in accordance with policy in closing Claimant's FIP benefits case for the reason that Claimant has reached the 48-month lifetime limit of state-funded FIP assistance and is therefore no longer eligible to receive FIP assistance, pursuant to BEM 234.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department acted in accordance with policy in closing Claimant's FIP benefits case for the reason that Claimant has reached the 48-month lifetime limit of state-funded FIP assistance and is therefore no longer eligible to receive FIP assistance, pursuant to BEM 234.

IT IS SO ORDERED.

/s/ \_\_\_\_\_  
C. Adam Purnell  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 1, 2013

Date Mailed: March 4, 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.

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 Claimant;
  - the failure of the ALJ to address other relevant issues in the hearing decision.

A request for rehearing or reconsideration 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

CAP/cr

cc:

