

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 2013-52926
Issue No.: 1021; 2000; 3000
Case No.: ██████████
Hearing Date: July 15, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 June 20, 2013. After due notice, a telephone hearing was held on July 15, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included Claimant. Participants on behalf of the Department included ██████████ ██████████ and ██████████, Lead Worker, ██████████.

ISSUE

Whether the Department properly determined that Claimant has exceeded the 60-month federal lifetime limit on Family Independence Program (FIP) benefits and was not eligible for an exception.

Whether the Department was correct in closing Claimant's MA case and decreasing Claimant's FAP benefits due to noncooperation in child support matters.

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 and received MA and FAP benefits.
2. On May 15, 2013, the Department notified Claimant that her FIP case would close effective June 1, 2013, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of September 1, 2011
3. Claimant received at least 60 months of FIP assistance.

4. Claimant received FIP assistance in January of 2013, but was not exempt from participating in PATH.
5. Claimant was found to be in cooperation with regard to child support matters as of May 10, 2013.
6. On June 7, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action.
7. At the hearing, the parties reached an agreement regarding MA and FAP, whereby the Department would reinstate MA case and restore Claimant's FAP benefits, effective June 1, 2013.

CONCLUSIONS OF LAW

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 the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and Department of Human Services Reference Tables Manual (RFT).

The FIP benefit program is not an entitlement. BEM 234 (January 1, 2013), p 1. Under the federal FIP time limit, individuals are not eligible for continued FIP benefits once they receive a cumulative total of 60 months of FIP benefits, unless the individual was approved for FIP benefits as of January 9, 2013 **and** was exempt from participation in the Partnership.Accountability.Training.Hope (PATH) program for domestic violence, establishing incapacity, incapacitated more than 90 days, aged 65 or older, or caring for a spouse or child with disabilities. BEM 234 (January 1, 2013), p 1; MCL 400.57a (4); Bridges Federal Time Limit Interim Bulletin (BPB) 2013-006 (March 1, 2013), p 1. The federal limit count begins October 1996. BEM 234, p 1.

In this case, Claimant did not deny that she received FIP benefits in excess of 60 months and that she was not exempt from participating in PATH in January of 2013. Thus the Department did act in accordance with Department policy when it closed Claimant's FIP case effective June 1, 2013 for reaching the 60-month federal time limit.

In addition, the Department and Claimant reached an agreement with regard to MA and FAP wherein the Department would reinstate MA case and restore Claimant's FAP benefits, effective June 1, 2013, as the representative from the Office of Child Support testified that Claimant was found to be cooperative with child support matters as of May 10, 2013.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly closed Claimant's FIP case and has reached an agreement with Claimant with regard to Claimant's MA and FAP benefits.

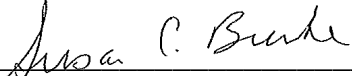
DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law and for the reasons stated on the record, decides that the Department did act properly with regard to FIP. Accordingly, the Department's FIP eligibility determination is AFFIRMED.

In addition, pursuant to the agreement of the parties,

THE DEPARTMENT SHALL BEGIN THE PROCESS OF THE FOLLOWING STEPS WITHIN TEN DAYS OF THE MAILING OF THIS ORDER:

1. Remove the child support sanction from Claimant's case, effective May 10, 2013, if the Department has not already done so.
2. Reinstate Claimant's MA case, effective June 1, 2013.
3. Restore Claimant's FAP benefits, effective June 1, 2013.
4. Issue FAP supplements for any missed or increased payment, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 29, 2013

Date Mailed: July 30, 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 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

SCB/tm

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[REDACTED]
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