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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-48959
Issue No.: 1021
Case No.: [redacted]
Hearing Date: July 18, 2013
County: Saginaw

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 Hearing received by the Department of Human Services (Department) on May 16, 2013. After due notice, a telephone hearing was held on Thursday, July 18, 2013, from Lansing, Michigan. Participants on behalf of the Claimant included, the Claimant, and her mother [redacted]. Participants on behalf of the Department included, Lisa Nakoneczny, FIS.

ISSUE

Whether the Department properly determined that the Claimant has exceeded the 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. The Claimant had received 122 months of TANF federal FIP months.

2. On May 6, 2013, the Department determined that the Claimant is not eligible for FIP benefits after exceeding the lifetime limit on cash assistance program benefits funded with temporary assistance for needy families and denied her application for FIP.

3. On May 6, 2013, the Department notified the Claimant of the closure.

4. On May 16, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action on the basis that the Department had given the benefits to someone else because she had not received any FIP benefits.

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.

In the present case, the Claimant believed that she should be eligible for additional months of FIP assistance because she had not received that many months in FIP benefits. The Claimant felt that maybe her sister had received those FIP months instead of her.

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).

In this case, the Department presented sufficient credible testimony and documentary evidence at the hearing establishing that, as of December 2010, the Claimant had received at least 60 months of federally funded assistance

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 60 months for cash assistance program benefits funded with temporary assistance for needy families.

Accordingly, the Administrative Law Judge finds that, based on the competent, material, and substantial evidence presented during the hearing, the Department met its burden that the Claimant had received more than 60 months of FIP benefits.

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 denied Claimant's FIP application ☐ improperly closed Claimant's FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department ☒ did act properly ☐ did not 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.

☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

/s/_____
Carmen G. Fahie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 08/06/2013

Date Mailed: 08/06/2013

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; or
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the Claimant; or
  - 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

CGF/pw

cc: [redacted]