

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-52246
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: August 15, 2013
County: Wayne (82-49)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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). After due notice, a telephone hearing was held on August 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department included [REDACTED]

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case on the basis that she exceeded the 60-month federal lifetime limit on FIP benefits and was not eligible for an exception?

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 an ongoing recipient of FIP benefits.
2. On May 31, 2013, the Department sent Claimant a Notice of Case Action notifying her that, effective July 1, 2013, her FIP case would close because she had received 60 months or more of FIP benefits, the time allowed for eligibility.
3. On June 12, 2013, Claimant filed a Request for Hearing, disputing the Department's action.

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 May 31, 2013, Notice of Case Action closing Claimant's FIP case effective July 1, 2013, indicated that the case closure was due to Claimant's receipt of FIP benefits in excess of the 60-month federal limit.

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, the Department presented a federal TANF time limit chart showing all of the months that Claimant had received FIP benefits that had been counted towards her federal time limit. The federal time limit chart showed that Claimant received FIP benefits as of January 9, 2013, and until June 30, 2013, when her case closed, and her PATH participation status during this period was "eligible adult." Thus, Claimant was not exempt from participation in the PATH program during this time. Claimant confirmed that she was an active PATH participant. Because Claimant was not exempt from participation in the PATH program, she was not eligible for an exception to the federal time limit. As such, she would not be eligible for continued FIP benefits once she received 60 months of benefits.

The Department testified that Claimant had received FIP benefits for 60 months, and the TANF time limit counter presented by the Department shows that Claimant received 60 months of benefits. Claimant did not dispute any particular months that benefits were issued. The Department also presented a benefit summary inquiry showing the months and amounts received. There was some discussion on the record concerning the issuances to Claimant in March 2009 and April 2009. The benefits summary shows that for each of those two months, Claimant received \$2 in issuances and \$4 was recouped. A review of policy and consideration of the issuance shows that Claimant's issuances were likely Extended FIP (EFIP), a grant of \$10 a FIP group is eligible to receive for up to six months when the loss of FIP eligibility relates to income from

employment of a FIP program group member, and that this \$10 monthly grant was subject to an \$8 monthly recoupment. BEM 519 (January 2009), p. 1. Because Claimant received federally funded FIP in March 2009 and April 2009, the two months **are** counted towards the federal time limit. See BEM 234, p. 1.

However, a further review of the benefit summary inquiry shows that no benefits were issued to Claimant in 2000 or 2001, but the TANF time limit counter indicates that Claimant received FIP in November 2000, December 2000, and January 2001 and counts those three months towards her 60-month count. Because the Department did not establish that Claimant received FIP for those months, those months are excluded from Claimant's federal time count. This would result in Claimant receiving only 57 months of FIP benefits. Because Claimant did not receive 60 months of FIP benefits, the Department did not act in accordance with Department policy when it closed Claimant's FIP case for exceeding the federal time limit.

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 not act in accordance with Department policy when it closed Claimant's FIP case.

Accordingly, the Department's decision is REVERSED.

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

1. Reinstate Claimant's FIP case as of July 1, 2013; and
2. Begin issuing supplements to Claimant for FIP benefits she was eligible to receive but did not from July 1, 2013, ongoing, in accordance with Department policy.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 20, 2013

Date Mailed: August 21, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

