

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

**IN THE MATTER OF:**



Reg. No.: 201413268  
Issue No.: 1010  
Case No.: [REDACTED]  
Hearing Date: December 19, 2013  
County: Saginaw

**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 the Claimant's request for a hearing received by the Department of Human Services (Department) on November 13, 2013. After due notice, a telephone hearing was held on December 19, 2013 from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED] (Claimant). Participants on behalf of the Department included [REDACTED] (Family Independence Specialist).

**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.

**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 assistance on November 4, 2013.
2. On November 4, 2013, the Department notified Claimant that his FIP application was denied effective December 1, 2013, because he had exceeded the 60-month federal lifetime limit on receipt of FIP assistance previously on June 1, 2011.
3. On November 13, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action on the basis that Claimant had exceeded the lifetime limit to receive FIP benefits.

## 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 (July 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 contends that the Department erred when it determined that he reached the 60 month federal FIP time limit. First, Claimant believed that because he was seasonably employed from April, 2007 through October, 2008, he should not have been provided with FIP benefits during this time period and that these months should not be counted. Second, Claimant states that in 2007, his department caseworker left his FIP case open for ██████ per month, but that he did not need the assistance and ██████ was not enough to provide meaningful assistance to his family. Third, Claimant pointed out that he was a Jobs Education and Training (JET) participant at the time and that he disagreed with the Department's determination as to the amount of monthly FIP assistance he received July, 2003 through September, 2003.

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). 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). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*, 394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. Claimant's arguments do not have merit. Claimant is incorrect when he asserts that he was not eligible for FIP assistance during the months he was employed. Certainly, Claimant's seasonable employment does not result in FIP

ineligibility, particularly during the time he was a mandatory JET participant. Although Claimant argues that several months in 2007 should not be counted because his department caseworker wrongfully allowed his FIP case to remain open when he did not need assistance, the record shows that Claimant could have, but did not, ask the Department to close his FIP case. Had Claimant done so, then the Department would not be able to count the months following his request for FIP case closure. Finally, the fact that Claimant disputes the amount of FIP assistance he received in July, 2003 through September, 2003 is not relevant to the issue of whether Claimant actually received federal FIP assistance and whether those months are countable for purposes of BEM 245.

Here, the evidence shows that Claimant reached his 60 month federal time limit on June 1, 2011 and that his November 4, 2013 application was properly denied. The Department included a breakdown of Claimant's monthly federal FIP assistance which showed that he had met the federal 60 month time limit as of June 1, 2011. Thus, the Department did act in accordance with Department policy when it denied Claimant's FIP application on November 4, 2013 for reaching the 60-month federal time limit previously on June 1, 2011.

Based upon the above Findings of Fact and Conclusions of Law, the Administrative Law Judge concludes that the Department properly denied Claimant's FIP application.

### **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.

Accordingly, the Department's FIP eligibility determination is **AFFIRMED**.

IT IS SO ORDERED.

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

Date Signed: December 20, 2013

Date Mailed: December 23, 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 affect 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

CAP/aca

cc:

