

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201325461
Issue No: 1021, 6000
Case No: [REDACTED]
Hearing Date: February 26, 2013
Wayne County DHS #57

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 January 18, 2013. After due notice, a telephone hearing was held on February 26, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant). Participants on behalf of the Department included [REDACTED] [REDACTED] (Family Independence Manager).

ISSUE

Whether the department properly determined Claimant's eligibility for Family Independence Program (FIP) benefits and Child Development and Care (CDC) 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 December 19, 2012, the Department mailed Claimant a Notice of Case Action (DHS-1605) which approved Claimant for CDC and closed Claimant's FIP benefits because she had met the 48 month limit for state FIP benefits.
3. Claimant requested a hearing on January 18, 2013 to challenge the Department's decision regarding FIP and CDC.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to

adults and children pursuant to MCL 400.14(1) and 1997 AACRS R 400.5001-5015.

In the present case, the Department presented sufficient, credible testimony and documentary evidence at the hearing consisting of Bridges Michigan FIP Time Limit print outs establishing that, as of December 1, 2012, Claimant had received 48 months of state-funded assistance for which there were no exemptions in effect. Claimant did not present any evidence to the contrary.

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.

In addition, the Administrative Law Judge finds that there was no evidence that the Department had taken any negative action affecting her CDC benefits. Although Claimant contends that the Department had failed to properly determine her CDC benefits, the only documentation in the record shows that Claimant's CDC benefits were not adversely affected. In fact, the records establish that the Department approved Claimant's CDC benefits according to the DHS-1605.

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.

The Department's FIP decision is **AFFIRMED** for the reasons stated above and for the reasons stated on the record

Further, the Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department had not taken any action to suspend, reduce, discontinue or terminate the claimant's CDC benefits. Under Michigan Administrative Code (MAC) Rule 400.903(1), claimant does not have a right to a hearing regarding CDC and thus, this Administrative Law Judge has no jurisdiction in this matter. Thus, Claimant's CDC hearing request is **HEREBY DISMISSED** for lack of jurisdiction.

/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.

201325461/CAP

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:

A large black rectangular redaction covers the majority of the text in the 'cc:' field. The letters 'HS' are visible at the bottom left corner of the redacted area.

HS