

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201332298
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Wayne (15)

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 the Claimant's request for a hearing received by the Department of Human Services (Department) on February 21, 2013. After due notice, a telephone hearing was held on April 4, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included 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 was an ongoing recipient of FIP benefits.
2. On February 10, 2013, the Department notified Claimant that her FIP case would close effective March 1, 2013, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of September 1, 2012.
3. On February 21, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action on the basis that she had not received FIP in excess of 60 months.

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, 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 FIP time limit summary showing that Claimant had received FIP benefits for 60 nonconsecutive months between March 2004 and September 2012. Claimant testified that her only child was born in March 2005 and disputed that she had received any benefits in the twelve months between March 2004 and February 2005. However, the Department produced a benefit summary inquiry (Exhibit 3) showing that the Department had issued \$276 in monthly FIP benefits to Claimant during this period. \$276 was the maximum monthly FIP allotment available to a group size of one (which would include a pregnant client) between March 2004 and February 2005. Department of Human Services Program Reference Tables (PRT) 210 (October 1, 2000), p 1; Department of Human Services Program Eligibility Manual (PEM) 210 (October 1, 2004), p 7; PEM 210 (January 1, 2004), p 5. This evidence was sufficient to establish, by a preponderance of the evidence, that FIP benefits were issued to Claimant between March 2004 and February 2005. Thus, the Department established that Claimant had received FIP benefits for 60 months. Because Claimant's testimony established that she was not exempt from participation in PATH based on any of the deferral grounds indicated above, she was not eligible for the federal exception to the 60-month federal time limit. Thus, the Department acted in accordance with Department policy when it closed Claimant's FIP case effective March 1, 2013 for reaching the 60-month federal time limit.

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 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.

Accordingly, for the reasons stated above and on the record, the Department's FIP eligibility determination is

AFFIRMED. REVERSED.



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

Date Signed: 4/10/2013

Date Mailed: 4/10/2013

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

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cc:

