

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-32366
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Wayne (82-15)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 February 21, 2013. After due notice, a telephone hearing was held on May 1, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included Claimant. Participants on behalf of the Department included [REDACTED]

ISSUE

Whether the Department properly determined that Claimant has exceeded the lifetime limit on Family Independence Program (FIP) benefits and was not eligible for an exception to the time limit?

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, ongoing, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of September 1, 2011. Exhibit 1.
3. On February 21, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action. Exhibit 5.

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.

At the hearing, Claimant disputed that she did not receive FIP benefits in excess of 60 months because she was deferred from the work participation program in order to take care of her child with a verified disability in the home. Claimant testified that she has been deferred in the FIP program since 2003 because her son has been disabled and receiving disability since his birth. Claimant verified the ongoing disability with the Department by providing a DHS-54A Medical Needs document on August 7, 2009. Exhibit 4. The Department presented at the hearing a Disability – Details document confirming the child’s disability as of August 7, 2009. Exhibit 4. Moreover, the Department also presented a Michigan FIP Time Limit document which shows that Claimant was in a deferred status dating back to November of 2003. Exhibit 3. However, there are time periods in this document that do not show a deferred status from the work participation program from November 2009 through February 2013. Most importantly, this document does not show a deferred status from the work participation program as of January 9, 2013. Exhibit 3. The Department testified that the prior caseworkers did not enter the deferred status into the computer system correctly for these time periods. The Department acknowledged and agreed that Claimant should have been in deferred status for that period from August 2009, ongoing.

Based on the foregoing evidence and testimony, the Department improperly closed Claimant’s FIP benefits. First, Claimant’s testimony and evidence presented by the Department established that Claimant was in a deferred status as of January 9, 2013. The Department testified that the prior caseworkers did not enter the deferred status correctly in the computer system. Second, both Claimant and the Department established that Claimant’s child was disabled. Third, the evidence established that the FIP benefit months of August 2009, ongoing, need to indicate Claimant’s status as

deferred from the work participation program. As previously discussed, the child's disability was verified as of August 7, 2009, and the Department has to update Claimant's FIP benefit months with a deferred status from the work participation program from August 2009, ongoing.

In summary, Claimant proved she was deferred from the FIP program as of January 9, 2013. Therefore, Claimant proved she is a caretaker of a child in the home with a verified disability exemption for the federal 60-month time limit policy.

Thus, the Department did did not act 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

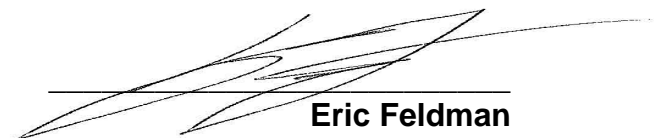
The Administrative Law Judge, based upon the above findings of fact and conclusions of law and for the reasons stated on the record, decides that the Department

did act properly.
 did not act properly.

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

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

1. Begin reinstating Claimant's FIP benefits as of March 1, 2013, ongoing;
2. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive from March 1, 2013, ongoing; and
3. Update Claimant's FIP benefit months to indicate Claimant was deferred from the work participation program as of August 7, 2009, ongoing, in light of Claimant's child's verified disability.


Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 6, 2013

Date Mailed: May 6, 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:
 - 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

EJF/pf

cc:

