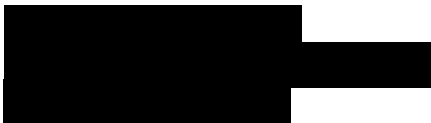



STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES


**IN THE MATTER OF:**



Reg. No.: 201338072  
Issue No.: 1080  
Case No.:   
Hearing Date: April 30, 2013  
County: Macomb

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 March 29, 2013. After due notice, a telephone hearing was held on April 30, 2013, from Lansing, Michigan. Participants on behalf of the Claimant included herself. Participants on behalf of the Department included 

**ISSUE**

Whether the Department properly closed Claimant's Family Independence Program (FIP) because she has exceeded the lifetime limit on Family Independence Program (FIP) 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. On July 31, 2007 Claimant had received 60 months of federally funded Family Independence Program (FIP) benefits.
2. On January 9, 2013, Claimant was active Family Independence Program (FIP) under deferral code NC and continued to receive Family Independence Program (FIP) benefits.
3. On March 27, 2013, the Department reviewed Claimant medical documentation for deferral. The Department determined that the Claimant is not eligible for deferral under code NC. Claimant was sent a Notice of Case Action (DHS-1605)

which stated her FIP benefits would end May 1, 2013 because she had exceeded the lifetime limit on cash assistance program benefits funded with temporary assistance for needy families.

4. On March 29, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action on the basis that she cares for a disabled child at home so the Department should not stop her cash.

### **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. The Department 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 (Mich Admin Code), R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because the claim for assistance is denied. Mich Admin Code, R 400.903(1).

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 BAM, the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP benefit program is not an entitlement. BEM 234 (January 1, 2013). 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. BEM 234 and MCL 400.57a (4) restrict the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 60 months for cash assistance program benefits funded with temporary assistance for needy families whether or not those months are consecutive.

In this case Claimant had exceeded 60 months of federally funded Family Independence Program (FIP) in September 2007. Claimant continued to receive Family Independence Program (FIP) because she was active on January 9, 2013 under deferral code NC. The Medical Needs Form (DHS-54a) dated July 19, 2012 indicates that Claimant's daughter has a disability. However, the form is marked to indicate that the parent of the disabled individual is NOT needed in the home to care for the individual. Department Exhibit 1. Claimant is not deferred under code NC.

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 60 months for cash assistance program benefits funded with temporary assistance for needy families.

Accordingly, the Administrative Law Judge finds that based on the competent, material, and substantial evidence presented during the hearing, the Department correctly determined Claimant is not eligible for deferral under code NC.

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.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services properly closed Claimant's Family Independence Program (FIP) because she has exceeded the lifetime limit on Family Independence Program (FIP) benefits.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

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/s/  
Gary F. Heisler  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 7, 2013

Date Mailed: May 7, 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

GFH/nr

cc:

