

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-38111
Issue No.: 1021; 1038
Case No.: [REDACTED]
Hearing Date: April 25, 2013
County: Wayne (35)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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. After due notice, a telephone hearing was held on April 25, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included Claimant. Participants on behalf of the Department included [REDACTED] and [REDACTED].

ISSUES

Whether the Department properly closed Claimant's case for benefits under the Family Independence Program (FIP) based on Claimant's failure to participate in employment-related activities without good cause.

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. Claimant received cash assistance on January 9, 2013.
3. On March 18, 2013, the Department notified Claimant that her FIP case would close effective April 1, 2013, based on Claimant's failure to participate in employment-related activities without good cause.

4. On March 18, 2013, the Department issued a Notice of Noncompliance, scheduling a triage for March 25, 2013.
5. At the triage, the Department determined that Claimant had good cause to not participate in employment-related activities.
6. The Department attempted to remove the negative action set to take place April 1, 2013, but learned that the Department computer system would not allow Claimant's case to be reinstated due to Claimant allegedly exceeding the 60-month federal lifetime limit.
7. The Department had not determined whether Claimant was exempt from participating in employment-related activities.
8. On or about March 25, 2013, the Department received Claimant's Request for Hearing, disputing the Department's action.

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 Department requires Work Eligible Individuals (WEI) seeking FIP to participate in employment and self-sufficiency-related activities. BEM 233A. Failing, without good cause, to participate in employment or self-sufficiency-related activities results in the WEI being penalized. *Id.* Good cause is a valid reason for noncompliance that is based on factors that are beyond the control of the noncompliant person. *Id.*

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, 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 the present case, Claimant received cash assistance on January 9, 2013. On March 18, 2013, the Department notified Claimant that her FIP case would close effective April 1, 2013, based on Claimant's failure to participate in employment-related activities without good cause. On March 18, 2013, the Department issued a Notice of Noncompliance, scheduling a triage for March 25, 2013. At the triage, the Department determined that Claimant had good cause to not participate in employment-related activities. The Department attempted to remove the negative action set to take place April 1, 2013, but learned that the Department computer system would not allow Claimant's case to be reinstated due to Claimant allegedly exceeding the 60-month federal lifetime limit. The Department had not determined whether Claimant was exempt from participating in employment-related activities.

First, the Department conceded at the hearing that it was not correct for closing Claimant's FIP case due to failing to participate in employment-related activities without good cause. Therefore, the Department was not correct in closing Claimant's FIP case for that reason.

Second, the Department was not correct in allowing Claimant's FIP case to remain closed due to allegedly exceeding the 60-month time limit because a.) Claimant was receiving cash assistance as of January 9, 2013, and b.) the Department had not determined whether Claimant met the incapacity exception.

Based on the above discussion, Claimant may have continued to be eligible for FIP as of the date of closure of her FIP case, April 1, 2013. Thus, the Department did not act in accordance with Department policy when it allowed Claimant's FIP case to remain closed, effective April 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 improperly closed Claimant's FIP case

DECISION AND ORDER

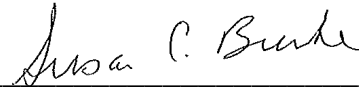
The Administrative Law Judge, based upon the above findings of fact and conclusions of law and for the reasons stated on the record, decides that the Department did not act properly.

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

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Remove the sanction from Claimant's case.

2. Initiate reinstatement of Claimant's FIP benefits, effective April 1, 2013, and determine if Claimant is otherwise eligible for the benefits, examining whether Claimant meets an exception to the 60-month Federal Time Limit.
3. Issue FIP supplements for any missed payment, in accordance with Department policy.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 29, 2013

Date Mailed: April 30, 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

SCB/tm

cc:

