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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-40308
Issue No.: 1021
Case No.: [redacted]
Hearing Date: May 9, 2013
County: Wayne (82-57)

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 the Claimant's request for a hearing received by the Department of Human Services (Department) on April 2, 2013. After due notice, a telephone hearing was held on May 9, 2013, from Detroit, Michigan. Participants on behalf of 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 January 10, 2013, the Department notified Claimant that her FIP benefits would close effective February 1, 2013, ongoing, because she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of January 1, 2013. Exhibit 1.

3. On April 2, 2013, the Department received Claimant's Request for Hearing, disputing the Department's action. Exhibit 1.

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 state FIP time limit, effective October 1, 2011, BEM 234 states that individuals are not eligible for continued FIP benefits once they receive a cumulative total of 48 months of FIP benefits. 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. 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.

In this case, Claimant was an ongoing recipient of cash assistance. At the hearing, the Department presented as evidence the Michigan FIP Time Limit document which showed that Claimant had exceeded the 48-month lifetime limit for state-funded FIP assistance as of January 1, 2013. Exhibit 1. Thus, on January 10, 2013, the Department notified Claimant that her FIP case would close effective February 1, 2013, ongoing, because she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of January 1, 2013. Exhibit 1.

At the hearing, Claimant testified that she was participating in the work participation program, and she testified that she was not deferred from the work participation program. Claimant also did not dispute that she received 48-months of cash assistance.

Based on the foregoing information, the Department presented evidence that Claimant had exceeded the 48-month lifetime limit for state-funded FIP assistance as of January 1, 2013. Exhibit 1. Thus, the Department acted in accordance with Department policy when it closed Claimant's FIP benefits effective February 1, 2013, ongoing, because Claimant had reached the 48-month lifetime limit for state-funded FIP assistance.

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.

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

Date Signed: May 15, 2013

Date Mailed: May 16, 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: [redacted]