

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-45326
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: June 3, 2013
County: Wayne (82-19)

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). After due notice, a telephone hearing was held on June 3, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department included [REDACTED].

ISSUE

Whether the Department properly closed Claimant's Family Independence Program (FIP) case effective May 1, 2013, on the basis that she exceeded the 60-month federal lifetime limit on 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 April 25, 2013, the Department sent Claimant a Notice of Case Action notifying her that, effective May 1, 2013, her FIP case would close.
3. On April 30, 2013, Claimant filed a 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 April 25, 2013, Notice of Case Action closing Claimant's FIP case effective May 1, 2013, indicated that the case closure was due to (i) Claimant's failure to submit requested verifications, (ii) the lack of an eligible child in the household, and (iii) Claimant's receipt of FIP benefits in excess of the 60-month federal limit. At the hearing, the Department initially testified that the sole reason for the closure of Claimant's FIP case was her receipt of benefits in excess of 60 months. Although the Department later testified that Claimant had failed to submit required medical needs forms, there was absolutely no evidence presented that Claimant had been requested to provide any forms. Thus, the issue presented at the hearing concerned whether the Department acted in accordance with Department policy when it closed Claimant's FIP case for exceeding the 60-month federal time limit.

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 this case, the Department testified that Claimant had received FIP benefits for 174 months and presented a federal TANF time limit chart showing all of the months that Claimant had received FIP benefits that had been counted towards her federal time limit. Although the last FIP issuance shown on the federal time limit chart was for October 2012, the Department acknowledged that Claimant was receiving ongoing FIP benefits and received FIP benefits as of January 9, 2013, and until April 30, 2013, when her case closed. The Department initially testified that, in January 2013, Claimant was deferred from participating in the work participation program because of a disability lasting more than 90 days. Although the Department later expressed uncertainty regarding Claimant's status in January 2013, there was evidence that Claimant's FIP case had been reinstated in October 2012 due to a disability. Furthermore, Claimant testified that she had received FIP benefits but was not employed or participating in the work participation program because of her medical condition. Based on the evidence

presented, as of January 9, 2013, Claimant was an active FIP recipient and she was deferred from PATH participation because of a disability lasting more than 90 days. Thus, Claimant was eligible for an exception to the federal time limit as of January 9, 2013, and there was no evidence that Claimant had lost this exception prior to May 1, 2013. As such, the Department did not act in accordance with Department policy when it closed Claimant's FIP case for exceeding the federal time limit.


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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's FIP case.

Accordingly, the Department's decision is REVERSED.

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

1. Reinstate Claimant's FIP case as of May 1, 2013; and
2. Begin issuing supplements to Claimant for FIP benefits she was eligible to receive but did not from May 1, 2013, ongoing.


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

Date Signed: June 12, 2013

Date Mailed: June 13, 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,
- 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

ACE/pf

cc:

