

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

IN THE MATTER OF:



Reg. No.: 201347654
Issue No.: 1080
Case No.: [REDACTED]
Hearing Date: June 13, 2013
County: Wayne DHS (31)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 13, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Specialist.

ISSUE

The issue is whether DHS properly terminated Claimant's Family Independence Program (FIP) eligibility, effective 4/2013, due to lifetime limits on FIP eligibility.

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 FIP benefit recipient.
2. Claimant received FIP benefits in 5/2008-7/2008.
3. Claimant was employed for no more than 20 hours/week throughout various periods of 2010 and 2011.
4. Prior to 4/2013, Claimant received 48 months of Michigan-issued FIP benefits since 2007.
5. On 5/1/13, DHS determined that Claimant was not eligible for FIP benefits, effective 5/2013, due to meeting the lifetime state-issued FIP limits.

6. On 5/13/13, Claimant requested a hearing disputing the termination of FIP benefits, effective 5/2013.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) is a block grant that was established by the Social Security Act. Public Act (P.A.) 223 of 1995 amended P.A. 280 of 1939 and provides a state legal base for FIP. FIP policies are also authorized by the Code of Federal Regulations (CFR), Michigan Compiled Laws (MCL), Michigan Administrative Code (MAC), and federal court orders. Amendments to the Social Security Act by the U.S. Congress affect the administration and scope of the FIP program. The U.S. Department of Health and Human Services (HHS) administers the Social Security Act. Within HHS, the Administration for Children and Families has specific responsibility for the administration of the FIP program. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing to dispute a FIP benefit termination. DHS alleged that the FIP benefit termination was proper based on FIP time limit policies.

The FIP benefit program is not an entitlement. BEM 234 (1/2013), p.1. 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. *Id.* Time limits are distinguished between federal and Michigan time limits.

Temporary Assistance to Needy Families (TANF) is the federal grant that funds the overwhelming majority of FIP assistance issued by the Department. *Id.* The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) established a five-year (60-month) lifetime limit on assistance for adult-headed families. *Id.* The begin date for the federal time limit counter is October 1, 1996. *Id.* In line with the goals of the Family Independence Program, any group that includes an individual who has received 60 months or more of FIP is not eligible for the FIP program. *Id.* Each month an individual receives federally funded FIP, the individual receives a count of one month. *Id.* A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. *Id.*

Any month that an individual's FIP assistance is state funded is not a countable month toward the federal time limit count. *Id.*, p. 2. To meet the goals of the Family Independence Program, in a limited number of cases, the department has determined to state fund cases with one or more of the following characteristics:

- two parent households (If one of the parents receives SSI, the group is considered a single parent household and is federally funded);
- a group that has a parent deferred from PATH due to a verified disability or long-term incapacity lasting longer than 90 days;

- court-ordered, unrelated caregivers receiving FIP for a child placed in the home by children services;
- the only dependent child in the FIP group is 19 years old and attending high school full-time (this applies to months before October 1, 2011);
- when the legal parent(s) and/or stepparent receives FIP when their dependent child(ren) is in an out-of-home foster care placement due to abuse and/or neglect when there is a plan to return the child(ren) to the parent's home.

(*Id.*)

The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. *Id.* Michigan has a 48-month lifetime limit. *Id.* Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. *Id.*

It was not disputed that DHS counted 48 state-funded FIP benefit months through 4/2013. Claimant made two arguments to dispute the count.

Claimant contended that she did not receive FIP benefits in 5/2008-7/2008. During the hearing, DHS obtained a payment history of Claimant's FIP benefits, which tended to verify that Claimant received \$401 in FIP benefits for each of the months from 5/2008-7/2008. It is found that DHS properly counted the months of 5/2008-7/2008 as countable months.

Claimant also contended that she was employed throughout 2010 and 2011, and that DHS wrongly counted months when she was employed. There is no known policy which exempts months of employment from being counted toward lifetime limits. If a client's income exceeds the FIP income limit, then a client would not receive FIP, and then the month would not be countable. During the hearing, DHS obtained documentation verifying that Claimant received at least \$400 in FIP benefits for all months from 2010 and 2011. Perhaps some of the FIP benefit issuances from 2010 and 2011 were reduced due to income, but the months were still countable. It is found that DHS properly counted months from 2010 and 2011 in Claimant's lifetime state-issued FIP time limits. Accordingly, the FIP benefit termination was proper.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefit eligibility, effective 5/2013. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/21/2013

Date Mailed: 6/21/2013

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

CG/hw

cc:

