

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-48970
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: August 1, 2013
County: Wayne County (15)

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 Claimant's request for a hearing received by the Department of Human Services (Department or DHS) on May 17, 2013. After due notice, a telephone hearing was held on August 1, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included Claimant. Participants on behalf of the Department included [REDACTED], Eligibility Specialist.

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. In April 2013, Claimant applied for FIP benefits.
2. On May 9, 2013, the Department notified Claimant that her FIP application was denied effective June 1, 2013, ongoing. Exhibit 1.
3. On May 17, 2013, the Department received the Claimant's Request for Hearing, disputing the denial of her FIP benefits. 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 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, caring for a spouse or child with disabilities. BEM 234, pp. 1-2; 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, in April 2013, Claimant applied for FIP benefits. On May 9, 2013, the Department notified Claimant that her FIP application was denied effective June 1, 2013, ongoing. Exhibit 1. It should be noted that the Notice of Case Action did not indicate that her application was denied for exceeding the 60-month federal lifetime limit on receipt of FIP assistance. See Exhibit 1.

However, the Department presented as evidence Claimant's Federal TANF Time Limit. Exhibit 1. This document showed that Claimant had received a cumulative total of 60-months or more of FIP benefits as of September 2011. Exhibit 1. Thus, the Department testified that at the time of her application, Claimant exceeded the 60-month federal lifetime limit and was not eligible for FIP benefits.

At the hearing, Claimant testified she last received FIP benefits in November 2012. It should be noted that the Michigan FIP Time Limit document indicates Claimant last received FIP benefits in December 2012 and was a mandatory participant in the PATH program. Exhibit 1. Nevertheless, Claimant testified that she found employment and no longer received FIP benefits. Claimant testified, though, that she became unemployed in March 2013. Claimant's unemployment is what prompted her to apply for FIP benefits in April 2013.

Based on the foregoing evidence and testimony, the Department properly closed Claimant's FIP benefits in accordance with Department policy. The Department presented evidence that Claimant is not eligible for FIP benefits because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of September 2011. See Exhibit 1. Thus, the Department acted in accordance with Department policy when it closed Claimant's FIP benefits effective June 1, 2013, ongoing.

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, finds that the Department properly closed Claimant's FIP benefits effective June 1, 2013, ongoing, for reaching the 60-month federal time limit.

Accordingly, the Department's FIP decision is **AFFIRMED** for the reasons stated above and on the record.



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

Date Signed: 8/26/13

Date Mailed: 8/27/13

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/tb

cc:

