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

IN THE MATTER OF:

[redacted]

Reg. No.: 2013-49448
Issue No.: 1021
Case No.: [redacted]
Hearing Date: June 24, 2013
County: Wayne (19)

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 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 24, 2013, from Detroit, Michigan. Participants on behalf of the Claimant included Claimant. Participants on behalf of the Department included [redacted], Case Manager.

ISSUE

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 was approved for FIP benefits as of January 9, 2013, **and** was exempt from participation in the Partnership.Accountability.Training.Hope (PATH) program.

3. Claimant was no longer exempt from participating in PATH as of May 1, 2013.

4. On May 8, 2013, the Department notified Claimant that her FIP case would close effective June 1, 2013, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of October 1, 2011. (Exhibit 9)

5. On May 20, 2013, the Department received the Claimant's Request for Hearing, disputing the Department's action on the basis that Claimant had exceeded the lifetime limit to receive FIP benefits.

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 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. The exception continues as long as the individual's ongoing FIP EDG reaches 60 TANF federal months and the individual remains deferred from PATH for one of the above employment deferral reasons. 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, Claimant was approved for FIP benefits as of January 9, 2013, **and** was exempt from participation in the Partnership.Accountability.Training.Hope (PATH) program. However, the Medical Needs JET deferral indicated that Claimant's disability would end in September of 2012. (Exhibit 7) Claimant's Department worker attempted to refer Claimant to PATH in early May of 2013, but in attempting to do so, the worker discovered that Claimant's case was closed due to exceeding the federal time limit. Claimant was no longer exempt from participating in PATH as of May 1, 2013, as Claimant's deferral had ended in September of 2012, and no RSDI or SSI application was pending as of May 1, 2013. Claimant testified that she applied for RSDI/SSI on June 6, 2013. On May 8, 2013, the Department notified Claimant that her FIP case would close effective June 1, 2013, because she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance as of October 1, 2011.

At the hearing, Claimant did not dispute that she received payments as detailed in Exhibit 6, Federal TANF Limit. Since Claimant was not exempt from participating in PATH as of May 8, 2013, and Claimant had exceeded the Federal TANF Limit, the Department was correct in closing Claimant's FIP case.
Thus, the Department did act in accordance with Department policy when it closed Claimant's FIP case effective June 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 properly 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 act properly.

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

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

Date Signed: June 25, 2013

Date Mailed: June 26, 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

SCB/tm

cc: [redacted]