

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-29033
Issue No.: 1001, 1010
Case No.: [REDACTED]
Hearing Date: April 3, 2014
County: Lapeer

ADMINISTRATIVE LAW JUDGE: C. Adam Purnell

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on April 3, 2014 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] (Claimant) and [REDACTED] (Claimant's uncle). Participants on behalf of the Department of Human Services (Department) included [REDACTED] (Eligibility Specialist/Hearing Facilitator) and [REDACTED] (Family Independence Specialist).

ISSUE

Did the Department properly determine that Claimant 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 active for FIP benefits.
2. On or about December 4, 2012, the Medical Review Team (MRT) determined that Claimant was entitled to a deferral due to a medical disability.
3. On February 6, 2014, the MRT found that Claimant was work ready with limitations.
4. On February 10, 2014, the Department mailed Claimant a Notice of Case Action (DHS-1605) which closed Claimant's FIP benefits effective March 1, 2014. The DHS-1605 indicated that Claimant had 100 countable months of assistance as of September 1, 2010. Claimant's caseworker further noted, "Medical Review Team in Lansing states that you are Work Ready with Limitations. When I updated the

computer to reflect this, your cash is closing eff. 3-1-14 for exceeding the federal lifetime limit maximum. The lifetime maximum is 60 months and you have had cash assistance for 100 months. Cash assistance is closed eff. 3-1-14.”

5. Claimant requested a hearing to dispute the Department’s action on

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The FIP benefit program is not an entitlement. BEM 234 (7-1-2013), 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 they are eligible for an exception to the federal time limit. An exception exists for individuals who were, as of January 9, 2013, (1) approved/active for FIP benefits **and** (2) exempt from participation in the Partnership. Accountability.Training.Hope. (PATH) program for domestic violence, establishing incapacity, incapacitated more than 90 days, age 65 or older, or caring for a spouse or child with disabilities. BEM 234, p. 2; MCL 400.57a(4). The exception continues as long as the individual remains eligible for any of the foregoing employment deferral reasons. BEM 234, p. 2. The federal limit count begins October 1996. BEM 234, p. 1.

Here, the Department argues that it properly determined that Claimant no longer meets the deferral criteria for FIP. According to the Department representatives, the Medical Review Team (MRT), following a review of Claimant’s medical records, found that she was able to work with limitations. When the MRT found that Claimant was no longer incapacitated, the Department asserts that she was no longer eligible for FIP as she had reached her 60 months limit for federal FIP benefits. Claimant, on the other hand, disagrees with the MRT findings, but she does not specifically dispute the Department’s calculations of her federal FIP benefit months.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep’t of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). The weight and credibility of this evidence is generally for the fact-finder to determine. *Dep’t of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). Moreover, it is for the fact-finder to gauge the demeanor and veracity of the witnesses who appear before him, as best he is able. See, e.g., *Caldwell v Fox*,

394 Mich 401, 407; 231 NW2d 46 (1975); *Zeeland Farm Services, Inc v JBL Enterprises, Inc*, 219 Mich App 190, 195; 555 NW2d 733 (1996).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record. BEM 230A provides, “[U]pon the receipt of the MRT decision, review the determination and information provided by MRT.” (10-1-2013) p 14. This policy further provides, “[R]ecipients determined as work ready with limitations are required to participate in PATH as defined by MRT.” BEM 230A, p 14. Here, there is no dispute that the MRT found that Claimant was “work ready with limitations.” When this occurs, BEM 230A requires the Department follow the MRT decision and accommodate Claimant, if necessary. However, because Claimant was no longer disabled, the Department determined that Claimant, as of September, 2010, had 100 countable months of federally funded FIP. Claimant did not challenge this assertion. In addition, this Administrative Law Judge has reviewed the hearing record which shows that Claimant well exceeded her 60 months of federal FIP benefits.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined that Claimant’s was no longer eligible for FIP because she exceeded the 60 month federal time limit for FIP.

DECISION AND ORDER

Accordingly, the Department’s decision is **AFFIRMED**.

IT IS SO ORDERED.



C. Adam Purnell
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: April 16, 2014

Date Mailed: April 17, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

CAP/las

cc:

