

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

IN THE MATTER OF:



Reg. No.: 14-006509
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: November 03, 2014
County: Wayne Pathways To Potential

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 November 3, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits 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. On June 12, 2014, Claimant applied for FIP benefits.
2. On June 12, 2014, the Department sent Claimant a Notice of Case Action denying her FIP application on the basis that she had received 73 months of federally-funded FIP assistance, more than the 60 months of assistance allowed for eligibility.
3. On June 30, 2014, Claimant filed a request for hearing disputing the Department's actions.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The FIP benefit program is not an entitlement. BEM 234 (July 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. BEM 234, p. 2. An exception exists for individuals who were, as of January 9, 2013, (i) approved for FIP benefits **and** (ii) exempt from participation in the Partnership.Accountability.Training.Hope (PATH) program for reason of domestic violence, establishing incapacity, incapacitated more than 90 days, aged 65 or older, or caring for a spouse or child with disabilities. BEM 234, p. 2. The federal limit count begins October 1996. BEM 234, p 1.

In this case, in a June 12, 2014 Notice of Case Action, the Department denied Claimant's June 12, 2014 FIP application because she had received FIP benefits in excess of the 60-month federal limit. The evidence at the hearing established that Claimant last received FIP assistance in August 2009. Because Claimant was not an active FIP recipient in January 2013, she is not eligible for a federal exception to the 60 month federal FIP time limit.

At the hearing, Claimant challenged the Department's conclusion that she had received more than 60 months of FIP benefits. The Department 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. The chart shows that Claimant received FIP benefits counted on her federal counter (i) from October 1996 to September 1999, excluding May 1999 and June 1999 and (ii) from May 2006 to August 2009, excluding May 2008. A total of 73 months of FIP receipt since October 1996 are shown on the chart.

In her hearing request and at the hearing, Claimant disputed the Department's calculation, contending that her son received social security benefits beginning in 1998 and she was employed full-time beginning in 2001 and therefore was ineligible to receive cash assistance during those periods. The Department was asked to provide additional documentation to establish that FIP benefits were issued to Claimant. In response, the Department provided documentation showing that a FIP allotment was

issued to Claimant in May 2009. In the absence of any additional evidence corroborating the information on the federal time limit chart, the Department has failed to satisfy its burden of showing that Claimant received more than 60 months of FIP benefits that are applied against her federal time limit.


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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's June 12, 2014 FIP application.

DECISION AND ORDER

Accordingly, the Department's decision is REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstate and reprocess Claimant's June 12, 2014 FIP application;
2. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from June 12, 2014 ongoing; and
3. Notify Claimant in writing of its decision in a DHS-1605, Notice of Case Action.



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

Date Signed: **11/13/2014**

Date Mailed: **11/13/2014**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC:

