

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-005605
Issue No.: 1010
Case No.: [REDACTED]
Hearing Date: July 31, 2014
County: Washtenaw

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Upon Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37, and Title 45 of the Code of Federal Regulations (CFR), particularly 45 CFR 205.10. After due notice, a telephone hearing was held on July 31, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED], [REDACTED], and [REDACTED]. Participants on behalf of the Department included [REDACTED] and [REDACTED].

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 applied for FIP benefits.
2. On June 4, 2014, the Department notified Claimant that the FIP application was denied because Claimant had exceeded the 60-month federal lifetime limit on receipt of FIP assistance.
3. On June 9, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a request for hearing, disputing the Department's action.

CONCLUSIONS OF LAW

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. 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 (July 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.

The Department notified the Claimant on June 4, 2014, that she was not eligible for Family Independence Program (FIP) benefits based on her receipt of federally funded FIP benefits for 93 months.

The Claimant argued that she should be eligible to receive state-funded Family Independence Program (FIP) benefits because she is disabled.

However, the Claimant was found to be a work eligible individual by the Department's Medical Review Team (MRT), and she does not qualify for a deferral from the self-sufficiency requirements of the Family Independence Program (FIP). The Claimant's medical records were not added to the hearing record. The Claimant is not entitled to a disability hearing to protest the Department's determination that she is a work eligible individual, and the Department did not deny FIP benefits based failure to participate in self-sufficiency programs.

The Claimant argued that the Department's records of the number of months she had received federally funded Family Independence Program (FIP) benefits is incorrect. The Claimant argued that she was exempt from self-sufficiency related programs (currently known as the Partnership. Accountability. Training. Hope (PATH) program) in 2005, 2006, and 2007, as a victim of domestic violence. The Claimant argued that her Family Independence Program (FIP) benefits should not have applied to the federal counter in 2011 because she was caring for a disabled child.

Department records indicate that from January 1, 2005, through December 31, 2007, the Claimant received federally funded Family Independence Program (FIP) benefits for a total of 24 months. Department records indicate that the Claimant received 2 months of federally funded Family Independence Program (FIP) benefits from January 1, 2011, through December 31, 2011.

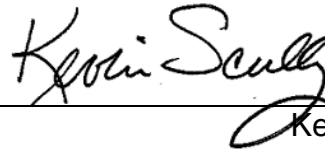
Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Claimant has failed to establish that she had been deferred from self-sufficiency related programs during the periods she is claiming an exemption.

Furthermore, if every month the Claimant argues should be exempted from the federal counter was removed, this would lower the total of months of federally funded Family Independence Program (FIP) benefits to a total of 64, and the Claimant would remain ineligible for FIP benefits.

The Administrative Law Judge, based upon 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 denied Claimant's FIP eligibility for exceeding the federal time limit on receipt of FIP benefits.

DECISION AND ORDER

Accordingly, the Department's FIP eligibility decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/4/2014**

Date Mailed: **8/4/2014**

KS/las

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

KS/las

cc:

cc:

