

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

IN THE MATTER OF:

██████████
██████████
████████████████████

Reg. No.: 2014-13242
Issue No(s): 1010
Case No.: ██████████
Hearing Date: January 9, 2014
County: Oakland (02)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 January 9, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department included ██████████, Case Manager.

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 ☒ received ☐ applied for FIP benefits.
2. On October 16, 2013, the Department notified Claimant that
☒ the FIP case would close
☐ the FIP application was denied
because Claimant had exceeded the 60-month federal lifetime limit on receipt of FIP assistance.
3. On November 8, 2013, 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 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 exception will end once the individual no longer qualifies for any of the employment deferral reasons or they no longer meet other standard eligibility for FIP. BEM 234, p. 2.

In this case, the Department provided a Federal TANF Time Limit showing each of the countable months Claimant received FIP benefits. (Exhibit 2) The Departments testified that it relied on this list to establish that 61 countable months of FIP benefits were issued to Claimant between March 2002 and August 2012. (Exhibit 2). The Michigan Time Limit Counter presented by the Department establishes that as of January 2013, Claimant was approved for FIP benefits and that she was eligible for an exception to the FIP federal time limits as she was deferred from participation in PATH under an establishing incapacity category. (Exhibit 3).

At the hearing the Department testified that Claimant was previously deferred from participating in the PATH program, however, that deferral ended when Claimant did not return the documentation necessary to determine whether or not Claimant was still eligible for deferral. The Department presented the Medical Determination Verification Checklist dated August 8, 2013, which instructed Claimant to complete and return verification of her medical records to the Department by August 19, 2013. (Exhibit 4). The Department testified that after being given several extensions, Claimant failed to provide the Department with all of the requested documentation, so the Department could not continue her deferral. (Exhibit 5).

Claimant testified that she and her doctor completed the forms and submitted them to the Department in September 2013, but could not recall a specific date. The

Department confirmed that it did receive some of the requested verifications, however, three forms were not submitted and Claimant was notified through a Quick Note what documentation still needed to be returned. (Exhibit 5).

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 because the ending of her deferral made Claimant ineligible for the exception, the Department acted in accordance with Department policy when it closed Claimant's FIP case on the basis that she exceeded the federal time limit on receipt of FIP benefits. Claimant is entitled to submit a new application for FIP benefits to determine her eligibility for FIP and if a deferral criteria is met.

DECISION AND ORDER

Accordingly, the Department's FIP eligibility decision is AFFIRMED



Zainab Baydoun

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

Date Signed: January 14, 2014

Date Mailed: January 14, 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.

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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

ZB/tm

CC:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]