

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-14956
Issue No(s): 1010
Case No.: [REDACTED]
Hearing Date: January 8, 2014
County: Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 January 8, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] Case Manager.

ISSUE

Did the Department properly determine 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. The Claimant was an ongoing recipient of FIP.
2. The Claimant had been deferred from PATH based on her claim of disability.
3. On November 6, 2013, the MRT denied the disability claim finding that the Claimant was capable of performing light exertional functional capacity work with a sit or stand option in an eight hour shift.
4. When the disability deferral was ended, the Department determined that the Claimant's FIP case must close based on exceeding the 60 month federal lifetime limit on FIP benefits and not being eligible for an exception.

5. On November 13, 2013, a Notice of Case Action was issued to the Claimant stating the FIP case would close effective December 1, 2013 due to exceeding the 60 month federal lifetime limit on FIP benefits.
6. On November 25, 2013, the Claimant filed a request for hearing contesting the Department's determination.

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 Michigan Administrative Code, R 400.3101 to .3131.

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 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. BEM 234 (July 1, 2013), pp. 1-2; 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, the Claimant had been deferred from PATH based on her claim of disability. The medical records were first submitted to the MRT on May 8, 2013, and on June 20, 2013, the MRT requested additional internal medicine and mental status examinations. (Exhibit A, pages 37-41) The exams were completed and the case was returned to the MRT on October 28, 2013. On November 7, 2013, the MRT denied the disability claim finding that the Claimant was capable of performing light exertional functional capacity work with a sit or stand option in an eight hour shift. The Claimant's exception to the federal FIP time limit also ended with the MRT determination. (Exhibit A, pages 20-34)

The Claimant asserted that she both had prior health issues and has newer diagnoses. However, the action was based on the Claimant's condition at the time of the MRT determination. Accordingly, the record was not left open for the submission of any documentation of prior health issues. The Claimant testified that the new diagnosis was from November 22, 2013. This was after the November 7, 2013 MRT determination. Similarly, the record was not left open for the submission of any documentation of more

recent health issues because the Claimant's new diagnosis and health issues are too recent to be considered for the determination at issue in this case.

The MRT determination that the Claimant was not disabled based on the information available at that time ended the deferral from PATH participation and the exception to the 60 month Federal time limit for FIP benefits. The Department has submitted documentation establishing that the Claimant received a total of 86 countable months toward the Federal FIP time limit. (Exhibit A, page 35) Accordingly, the November 13, 2013 determination to close the Claimant's FIP case based on exceeding the 60 month federal FIP time limit must be upheld.

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 denied Claimant's FIP eligibility for exceeding the federal time limit on receipt of FIP benefits.

DECISION AND ORDER

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

/s/

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

Date Signed: January 13, 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.

201414956/CL

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

CL/hj

cc:

