

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2014-23782
Issue No.: 1001, 4001
Case No.: [REDACTED]
Hearing Date: April 2, 2014
County: Wayne (98)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Wednesday, April 2, 2014. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly denied Claimant's September 2013, application for Family Independence Program (FIP) benefits for exceeding the lifetime limit on FIP benefits.

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 February 19, 2013, Claimant requested a hearing regarding the termination of FIP benefits due to reaching the lifetime limit.
2. A letter was sent to Claimant explaining the closure due to the mass update was not a hearable issue.
3. In September 2013, Claimant submitted an application for FIP benefits.
4. The Department denied FIP benefits but approved State Disability Assistance (SDA) benefits as of October 1, 2013. (Exhibit 1, pp. 3, 5, 6)

5. On October 31, 2013, the Department issued a Notice of Case Action (NOCA) to the Claimant notifying she was approved for SDA benefits.
6. On January 30, 2014, the Department received Claimant's timely written request for hearing. (Exhibit 1, p. 1)

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables (RFT).

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 (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 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, pp. 1, 2; MCL 400.57a (4). The federal limit count begins October 1996. BEM 234, pp. 1, 2.

In this case, Claimant's FIP case was terminated for having exceeded the lifetime limit. In September 2013, Claimant reapplied for FIP benefits but was determined ineligible based on previously being found to have exceeded the lifetime limit. The Department did approve Claimant for SDA benefits. Claimant requested a hearing regarding the denial of FIP benefits stating her case should not have closed because she should have been exempt from work-participation. In January 2013, Claimant was a mandatory PATH participant.

Regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in Mich Admin Code, R 400.901 through R 400.951. Rule 400.903(1) provides as follows:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because [a] claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by a Department action resulting in suspension, reduction, discontinuance, or termination of assistance.

A request for hearing must be in writing and signed by the claimant, petitioner, or authorized representative. Rule 400.904(1). Moreover, BAM 600 (July 2013), p. 5, provides in relevant part as follows:


The client or authorized hearing representative has *90 calendar days from the date of the written notice of case action to request a hearing*. The request must be received anywhere in DHS within the 90 days. [Emphasis added.]

During the hearing, it was explained that the time for requesting a hearing on the FIP termination due to the mass update had lapsed. As such, the only issue that could be addressed was whether the Department acted in accordance with policy when they denied FIP benefits and approved SDA benefits. Ultimately, the Department established it acted in accordance with Department policy when it denied Claimant FIP benefits for having previously been found to have exceeded the lifetime limit. Claimant was approved for the maximum amount of SDA benefits. This too, was in accordance with Department policy. Accordingly, the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department's denial of FIP benefits and approval of SDA benefits was in accordance with Department policy. Accordingly, the Department's actions are AFFIRMED.

IT IS SO ORDERED.



Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 1, 2014

Date Mailed: May 2, 2014

NOTICE OF APPEAL: 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).

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.

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

CMM/tm

cc:

