

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

IN THE MATTER OF:



Reg. No.: 2014-25440
Issue No(s): 1010;4001
Case No.: [REDACTED]
Hearing Date: April 2, 2014
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 April 2, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly process Claimant's Family Independence Program (FIP) and State Disability Assistance (SDA) 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 September 3, 2013, Claimant submitted an application for cash assistance benefits.
2. Claimant sought a deferral from participation in PATH based on an alleged disability.
3. On January 13, 2014, the Medical Review Team (MRT) determined that Claimant was not disabled for PATH and FIP purposes. (Exhibit 1)
4. On January 22, 2014, the Department sent Claimant a Notice of Case Action informing her that effective March 1, 2014, her FIP case would be closed on the

basis that she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance. (Exhibit 2)

5. The January 22, 2014, Notice also informed Claimant that she was denied SDA benefits for March 1, 2014, ongoing on the basis that she was not disabled. (Exhibit 2)
6. On January 31, 2014, Claimant requested a 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).

FIP

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 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, Claimant was an ongoing recipient of FIP benefits that were terminated by the Department effective September 1, 2013, on the basis that Claimant had exceeded the 60 month federal lifetime limit on receipt of FIP assistance. On September 3, 2013, Claimant requested a hearing to dispute the case closure. On October 30, 2013, an administrative hearing was held with respect to the closure of Claimant's FIP case, effective September 1, 2013. The Hearing Decision found that the Department did not act in accordance with Department policy in closing Claimant's FIP case because in

January 2013, she was deferred from participating in the PATH program for the reason of establishing incapacity and was eligible for an exception to the federal time limit. The Department was ordered to reinstate Claimant's FIP case effective September 1, 2013. In September 2013, the Department forwarded Claimant's medical documents and request for medical deferral to the Medical Review Team (MRT), for a PATH disability determination to be made, to establish if Claimant continued to be eligible for an exception to the federal time limit.

On January 13, 2014, the MRT denied Claimant's request for a PATH deferral and determined that she was not disabled for PATH purposes. (Exhibit 1). Because Claimant was no longer eligible for the exception to the federal time limit as her disability had ended, the Department sent Claimant a Notice of Case Action informing her that her FIP case would be closing effective March 1, 2014, on the basis that she had exceeded the 60-month federal lifetime limit on receipt of FIP assistance. (Exhibit 2).

At the hearing held on April 2, 2014, the Department provided a Federal TANF Time Limit showing each of the countable months Claimant received FIP benefits. (Exhibit 4) The Department testified that it relied on this list to establish that 156 countable months of FIP benefits were issued to Claimant between October 1996 and September 2011 (Exhibit 4).

Although 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, she was no longer eligible for this exception after the MRT determined that she was not disabled for PATH purposes. (Exhibit);BEM 234, p.2.

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.

SDA

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Claimant submitted an application for cash assistance benefits on September 3, 2013, and indicated she was disabled. On January 22, 2014, the Department sent Claimant a Notice of Case Action informing her that she was denied SDA benefits effective March 1, 2014, on the basis that she was not disabled according to a disability/blindness determination that was made by the MRT. (Exhibit 2). Because Claimant was receiving FIP benefits through February 28, 2014, her eligibility for SDA cash benefits was denied for March 1, 2014, ongoing.

To receive SDA benefits, a person must be disabled, caring for a disabled person, or age 65 or older. BEM 261 (July 2013), p.1. The MRT will determine if a person is disabled for SDA purposes based on the criteria found in BAM 815. BAM 815 (July 2013). In this case, the Department testified that Claimant's medical documents were never sent to the MRT for a disability determination for SDA purposes and that it instead relied on the MRT's finding that Claimant was not disabled for PATH purposes. (Exhibit 1). The Department presented a Medical Social Eligibility Certification for PATH and MRT Assessment for PATH for review at the hearing. (Exhibit 1).

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 because the MRT did not make a determination concerning Claimant's disability for SDA purposes, the Department did not act in accordance with Department policy when it denied Claimant's SDA application on the basis that she was not disabled. Claimant was informed that should the MRT find that she is not disabled for SDA purposes, and should she dispute that decision, she was entitled to request a hearing to have that issue addressed.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED IN PART with respect to the closure of Claimant's FIP case and REVERSED IN PART with respect to denial of Claimant's SDA benefits.

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. Register and process Claimant's application for SDA benefits;
2. Forward Claimant's medical documentation to the MRT for a SDA disability determination;
3. Issue supplements to Claimant for any SDA benefits that she was entitled to receive but did not from March 1, 2014, ongoing;
4. Notify Claimant of its decision in writing.


Zainab Baydoun

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

Date Signed: April 23, 2014

Date Mailed: April 23, 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.

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/tlf

cc:

