

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 14-014848
Issue No.: 1010
Case No.: ██████████
Hearing Date: February 05, 2015
County: Wayne-District 76

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 February 5, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, PATH Coordinator and ██████████, Family Independence Specialist.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application on the basis that she exceeded the 60-month federal lifetime limit on receipt of 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 September 22, 2014, Claimant submitted an application for FIP benefits.
2. On October 9, 2014, the Department sent Claimant a Notice of Case Action informing her that the application had been denied on the basis that she had exceeded the 60 month federal lifetime limit on receipt of FIP assistance. (Exhibit 1)
3. On October 13, 2014, Claimant submitted a hearing request 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).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, 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.

In this case, Claimant submitted an application for FIP benefits that was denied by the Department on the basis that as of August 1, 2012, Claimant had exceeded the 60 month lifetime federal limit for receipt of FIP benefits. (Exhibit 1). At the hearing, the Department provided a Federal TANF Time Limit summary showing each of the countable months in which Claimant received federally funded FIP benefits. (Exhibit 2). The Department testified that it relied on this list to establish that 60 months of FIP benefits were issued to Claimant between March 2006 and August 2012. (Exhibit 2). The Department also provided a Michigan FIP Time Limit summary which shows that although Claimant was active and receiving FIP benefits in January 2013, she was not eligible for an exemption to the federal time limits, as the summary indicates Claimant was a mandatory work participant. (Exhibit 3).

Claimant disputed the Department's testimony concerning the countable months of assistance received and stated that prior to 2007, she was living in her mother's home with her child and that she was active on her mother's FIP case. Claimant stated that she did not apply for FIP benefits on her own case until 2007. Claimant further testified that during the period in which the Department alleges she received FIP benefits, she was employed and not receiving FIP. Specifically, Claimant referenced being employed full time from 2007 to either June 2009 or June 2010 and stated that

she was employed at [REDACTED] from July 2010 to March 2013. Although Claimant provided this as testimony, no supporting documentation was presented at the hearing.

The Department also produced FIP benefit summary inquires for the period between August 2009 and March 2013 which establish that the Department had issued FIP benefits in varying amounts during the time period disputed by Claimant. (Exhibit 4).

A review of the time limit summaries provided by the Department shows that although there were some months between the years 2007 and 2013 in which Claimant did not have an active FIP case and was not receiving assistance, the Department's evidence was sufficient to establish that Claimant received a total of 60 countable months of FIP benefits.

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 application on the basis that she had exceeded the federal time limit on receipt of FIP benefits.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/19/2015**

Date Mailed: **2/19/2015**

ZB / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS **MAY** order a rehearing or reconsideration on its own motion.

MAHS **MAY** grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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 48909-8139

CC:

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