

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

IN THE MATTER OF:

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

MAHS Reg. No.: 15-014328
Issue No.: 1001
Agency Case No.: ██████████
Hearing Date: September 24, 2015
County: WAYNE-DISTRICT 31

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 24, 2015, from Detroit, Michigan. The Petitioner appeared on their own behalf. The Department was represented by ██████████, Family Independence Specialist.

ISSUE

Did the Department properly deny Petitioner's application for Family Independence Program (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. Petitioner applied for FIP benefits in July, 2015.
2. On July 22, 2015, Petitioner's FIP benefit application was denied.
3. Petitioner has exceeded the federal time limit maximum to receive FIP benefits; this time limit was exceeded in 2011, at which point Petitioner's FIP benefits were closed.
4. Petitioner did not appeal the FIP closure in 2011.
5. On July 30, 2015, Petitioner requested a hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, Petitioner argued that the months used to determine whether or not Petitioner had exceeded the federal time limit with regard to FIP benefits were incorrectly calculated.

However, this issue has already been decided; Petitioner's FIP benefits, per testimony, were closed in 2011 due to this issue. Petitioner did not appeal this time limit determination. As such, the undersigned must hold that Petitioner's failure to appeal the time limit determination was in essence, an acceptance of that determination and the Petitioner may not appeal that determination 4 years after the fact. Petitioner's request to appeal that determination is not within the 90 day time limit to appeal a determination as found in BAM 600. As such, Petitioner's request for an appeal with regard to the exact months the Department used in its time limit calculation is DISMISSED.

Therefore, the only issue before us is whether the Department properly denied Petitioner's application for exceeding the federal time limit maximum.

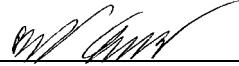
Per BEM 234, an application is to be denied if a DHHS client has received FIP benefits for a total of 60 months or more. Petitioner received FIP benefits for 60 months. Department Exhibit 4.

Therefore, the Department correctly denied Petitioner's FIP application.

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 Petitioner's FIP application of July, 2015.

DECISION AND ORDER

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



Robert J. Chavez
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/23/2015**

Date Mailed: **10/23/2015**

RJC/tm

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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]
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