

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-015146
Issue No.: 1010
Case No.: [REDACTED]
Hearing Date: October 14, 2015
County: WAYNE-DISTRICT 55

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 14, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly close the Claimant's FIP cash assistance case due to exceeding the 48 month limit?

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 FIP recipient.
2. The Department issued a Notice of Case Action dated [REDACTED], closing the Claimant's FIP cash assistance case effective [REDACTED], due to exceeding the 48-month FIP time limit. Exhibits 2 and 3
3. The Claimant requested a timely hearing on [REDACTED], protesting the closure of her FIP case.

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, the Department closed the Claimant's FIP case asserting that the Claimant's receipt of FIP benefits had exceeded the 48 month Michigan Time limit. The FIP benefit program is not an entitlement. BEM 234 (July 1, 2013), p. 1. Time limits are essential to establishing the temporary nature of aid as well as communicating the FIP philosophy to support a family's movement to self-sufficiency. BEM 234, p. 1. Effective October 1, 1996, Michigan Law and BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 48 months for State funded FIP cases for which no months were exempt. BEM 234, p. 4

The 48-month lifetime limit for State funded FIP cases allows exemption months in which an individual does not receive a count towards the individual's 48-month lifetime limit. BEM 234, p. 3. Exemption months are months the individual is deferred from the Partnership.Accountability.Training.Hope. (PATH) program for (i) domestic violence; (ii) being 65 years of age or older; (iii) a verified disability or long-term incapacity lasting longer than 90 days (including establishing incapacity); or (iv) being a spouse or parent who provides care for a spouse or child with verified disabilities living in the home. BEM 234, p. 4. FIP benefits received prior to October 1, 2006, are **not** State-funded. BEM 234, pp. 3.

In the present case, The Department closed the Claimant's FIP case by Notice of Case Action dated [REDACTED] 5, due to reaching the 48-month State of Michigan time limit for eligibility to receive FIP benefits. Exhibit 2. The Department presented a Michigan FIP Time Limit Counter which demonstrated that as of [REDACTED], the Claimant had reached the 48-month limit. Exhibit 3. The Claimant disputed the 48-month determination by the Department, as it included periods of noncompliance with PATH on two occasions: July 2013 through December 2013 (6 months) and October 2012 through December 2012 (3 months). Exhibit 3. Department policy provides the following with regards to counting of noncompliance with PATH months when not attending PATH due to sanction:

Each month an individual serves a sanction period, those months **count toward their state time limit**. Sanction months should be counted starting Oct. 1, 2007.

Sanctioned reasons that count towards the individual time limit are:

- Employment and training noncompliance. BEM 234 (July 1, 2013) p. 7 (emphasis supplied)

In addition, the Claimant asserted the Department's notice was not correct, as she believed she should have had 90 days notice. The Notice of Case Action was dated [REDACTED] and the closure of Claimant's FIP case occurred [REDACTED]. The Case closed 61 days after the mailing of the Notice.

BEM 220 provides: All Programs

Timely notice is given for a **negative action** unless policy specifies adequate notice or no notice. See Adequate Notice and, for CDC and FAP only, Actions Not Requiring Notice, in this item. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. BEM 220 (October 1, 2015), p. 4.

A **negative action** is identified in Bridges with notice reason(s) in eligibility results. Negative actions include:

Decrease in program benefits, including case or EDG closure.
BEM 220 p. 10

FIP, RCA, SDA, CDC and MA

All Other Reported Changes require:

Act on a change reported by means other than a tape match within 15 workdays after becoming aware of the change. BEM 220, p. 7

Thus, based upon the limits set forth in BEM 220, the Department complied with the timely notice requirements and thus gave the Claimant timely notice as required by Department policy cited above.

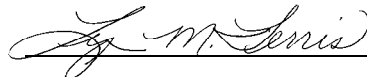
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Claimant's FIP cash assistance

once the Claimant had received FIP for 48 months and also gave the Claimant proper timely notice of the FIP cash assistance closure.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/15/2015**

Date Mailed: **10/15/2015**

LMF / hw

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:

