



5. On February 5, 2015, after meeting with Claimant, the Department determined no good cause for her failure to appear for her PATH appointment.
6. On a date following the February 5, 2015, appointment, the Department determined that Claimant had also exceeded the state 48-month lifetime limit to receive FIP benefits.
7. The Department did not issue any notice indicating Claimant had exceeded the state 48-month lifetime limit to receive FIP benefits.
8. On February 26, 2015, Claimant filed a request for hearing, disputing the Department's action.

### **CONCLUSIONS OF LAW**

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

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, 2011, 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. 4. Exemption months are months the individual is deferred from the 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, p. 3.

Once an individual reaches a FIP time limit and the FIP case closes, the individual is not eligible for FIP if the individual reapplies and meets an exemption criteria. BEM 234, p. 7.

In the present case, Claimant was an ongoing recipient of FIP benefits. The Department issued an appointment notice on January 9, 2015, for the PATH program. Claimant failed to appear for this appointment; therefore, a meeting with the Department to discuss Claimant's failure to attend was scheduled. The Department testified that Claimant was found to have no good cause for missing the appointment and her benefits were scheduled to close as of March 1, 2015. The Department provided no documentation to demonstrate a no good cause finding was entered and/or the basis for the finding.

The Department then testified that, following this no good cause determination, another Department worker attempted to grant good cause and reactivate Claimant's FIP benefits. The basis and the date of this purported attempt were not provided but alleged to have occurred prior to Claimant's hearing request. According to the Department testimony, Claimant was found to be ineligible for FIP benefits on the second attempt due to her exceeding the state 48-month lifetime limit to receive FIP benefits. The Department provided a BRIDGES print showing the State time limit counter indicating 50 total countable months. Claimant testified she was not provided a detailed list of the purported months she had supposedly received FIP benefits and, therefore, she was unable to determine if the number reported was, in fact, accurate.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department has not presented sufficient evidence to demonstrate Claimant's original case action was properly processed. As noted above, the Department provided no documentation to indicate what findings were made regarding the failure to attend PATH other than testimony indicating no good cause was determined. In addition, the Department provided limited information regarding the second attempt to process benefits for Claimant. According to the Department, Claimant had, in fact, reached the State 48-month lifetime limit to receive FIP benefits. The presentation of the BRIDGES counter does show the system had calculated that Claimant had exceeded the number of months, but this alone is not enough to demonstrate the months counted were appropriately counted. Further, the Department presented no evidence demonstrating the Department had properly noticed Claimant of the purported results of the second review of her FIP benefits.

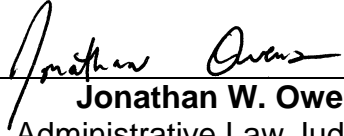
### **DECISION AND ORDER**

Accordingly, the Department's FIP eligibility decision is **REVERSED**.

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. Initiate a review of Claimant's eligibility for FIP benefits back to date of closure;

2. Properly determine whether Claimant had good cause for missing the PATH appointment;
3. Determine if Claimant had, in fact, reached the State 48-month lifetime limit to receive FIP benefits;
4. Provide Claimant with proper notice of any and all determinations regarding her FIP benefits;
5. Supplement Claimant for any loss in FIP benefits back to date of closure only if Claimant is found eligible after determining the above.

  
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**Jonathan W. Owens**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **4/7/2015**

Date Mailed: **4/7/2015**

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**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]  
[REDACTED]  
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