



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: March 18, 2016
MAHS Docket No.: 15-024258
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 March 3, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Case Worker [REDACTED] and Family Independence Manager [REDACTED]

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) on January 1, 2016?

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 was an ongoing recipient of Family Independence Program (FIP) benefits.
2. On December 16, 2015, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would close on January 1, 2016. The notice did not state why the action was being taken.
3. On December 21, 2015, Petitioner submitted a hearing request.

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.

The December 16, 2015, Notice of Case Action (DHS-1605) did not give a reason for closure of Petitioner's Family Independence Program (FIP). The Hearing Summary (DHS-3050) states that Petitioner exceeded the 60 month federal time limit for the Family Independence Program (FIP). It also states that Petitioner's Supplemental Security Income (SSI) ended on November 30, 2015 and has been added to her cash assistance budget. During this hearing the Department representatives testified that Petitioner had been receiving FIP because she met one of the exceptions in policy to continue but when her SSI closed she no longer met the exception. Bridges Eligibility Manual (BEM) 234 FIP Time Limits (7-1-2013) provides:

FEDERAL TIME LIMIT

Temporary Assistance to Needy Families (TANF) is the federal grant that funds the overwhelming majority of FIP assistance issued by the Department. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) established a five-year (60month) lifetime limit on assistance for adult-headed families. The begin date for the federal time limit counter is Oct. 1, 1996. In line with the goals of the Family Independence Program, any group that includes an individual who has received 60 months or more of FIP is not eligible for the FIP program.

Federal Countable Month

Each month an individual receives federally funded FIP, the individual receives a count of one month. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit.

Federal Time Limit Exception

Michigan will provide an exception to the federal 60 month time limit eligibility criteria and state fund the FIP eligibility determination group (EDG) for individuals that met the following criteria on Jan. 9, 2013:

An approved/active ongoing FIP EDG **and**

Who was exempt from participation in the Partnership. Accountability. Training. Hope. (PATH) program for: Domestic violence.
Age 65 or older.
Establishing incapacity.
Incapacitated more than 90 days.
Care of a spouse with disabilities.
Care of a child with disabilities.

The exception continues as long as:

The individual's ongoing FIP EDG reaches 60 TANF federal months **and** the individual remains one of the above employment deferral reasons. In these instances, the FIP EDG will become state funded after the 60th month.

The individual, at application, is approved as **any** of the above employment deferral reasons. In these instances, the FIP EDG will be state funded.

The exception ends once one of the above individuals **no** longer qualifies for one of the above employment deferral reasons or they **no** longer meet other standard eligibility criteria for FIP. The FIP EDG will close or the application will be denied.

Bridges will identify the above clients on the *Michigan/Federal Time Limits Search Summary* screen.

The Department presented evidence of Petitioner's Federal TANF Time Limit count. The Department also submitted a BRIDGES print out that indicates Petitioner's benefit group consist of herself (age 33) and six children between the ages of 13 and 1. The Department also submitted an SOLQ.

The SOLQ shows that Petitioner became eligible for Supplemental Security Income (SSI) benefits on June 1, 2006 due to a disability onset date of June 27, 2006. It also shows that Petitioner has an unearned income amount of \$ [REDACTED] from Social Security which is being used to calculate her eligibility for SSI benefits. The SOLA shows that Petitioner is in non-payment status for SSI and has a 0.0 SSI gross payable amount.

The SOLQ also shows that Petitioner became eligible for Retirement Survivor Disability Income benefits on March 1, 2008 based on a disability onset date of June 27, 2006. Petitioner is in current payment status for gross RSDI benefits of \$ [REDACTED] per month. It also shows that Michigan is paying Petitioner's Medicare Part B premiums.

Not being eligible for SSI benefits does not equal not disabled. The criteria in BEM 234 does not say "ineligible for SSI benefits." It lists the employment deferral reason of "incapacitated for more than 90 days" as an exception to closure. The Department has not presented evidence which shows that Petitioner no longer qualifies for that exception.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's Family Independence Program (FIP) on January 1, 2016.

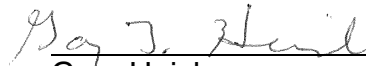
DECISION AND ORDER

Accordingly, the Department's 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. Re-instate Petitioner's Family Independence Program (FIP).
2. Supplement Petitioner any Family Independence Program (FIP) benefits she was otherwise eligible for but did not receive due to this unsupported action.

GH/nr



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Petitioner

[REDACTED]