

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

IN THE MATTER OF:



MAHS Reg. No.: 15-021164
Issue No.: 1010
Agency Case No.: [REDACTED]
Hearing Date: January 21, 2016
County: WAYNE-DISTRICT 17

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 January 21, 2016, from Detroit, Michigan. The Petitioner appeared on their own behalf. The Department was represented by [REDACTED], Hearings Facilitator.

ISSUE

Did the Department properly close Petitioner's case 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 was a FIP recipient.
2. On November 16, 2015, Petitioner's FIP benefit case was closed due to a mandatory group member having exceeded the state time limits.
3. This group member has exceeded the state time limit maximum to receive FIP benefits.
4. Petitioner received a notice of case action on October 28, 2015 indicating that benefits would close.
5. On November 3, 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.

Per BEM 234, an application is to be denied or a case closed if a DHHS client has received FIP benefits for a total of 48 months or more and exceeded the state time limit. The group member in question received FIP benefits for 51 months. Department Exhibit 3.

While Petitioner argued that the months were calculated incorrectly, the undersigned holds that the evidence submitted is insufficient to support this allegation.

Petitioner submitted their own time limit statement that showed several months for which he was deferred due to disability. Petitioner alleged that the group member in question's own statement should match this statement, as the group member was taking care of the Petitioner at the time.

While this may have been the case, there is no indication that the group member in question was approved and deferred for this reason, nor is there any indication that the any deferral granted was supposed to match the months Petitioner was deferred.

Simply put, Petitioner's submitted evidence is not sufficient to overcome the Department's presumption that the time limit was calculated correctly.

As such, absent more specific evidence, the undersigned must hold that the Department properly calculated the months in question when determining whether the group exceeded the state time limit standards.

Therefore, the Department correctly closed Petitioner's FIP case, as the group member in question exceeded the state time limit with regard to FIP receipt.

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 Petitioner's FIP case.

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: **2/22/2016**

Date Mailed: **2/22/2016**

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:

