



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

Date Mailed: December 5, 2016
MAHS Docket No.: 16-015720

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 November 22, 2016, from Lansing, Michigan. The Petitioner was represented by himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly determine the Petitioner's denial of Family Independence Program (FIP) benefits due he had exceeded his 48 month State of Michigan deferral?

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 Petitioner was a recipient of FIP benefits with a requirement to participate in PATH program.
2. The Petitioner had a PATH medical deferral that excused him from participating in the PATH program, but still allowed him to receive FAP benefits.
3. On September 26, 2016, the Medical Review Team (MRT) reviewed the Petitioner's medical deferral from PATH and determined that he no longer met the criteria for a continued PATH medical deferral. Department Exhibit 1, pgs. 7-13.

4. On October 10, 2016, the Department Caseworker changed the Petitioner's employment code on BRIDGES to reflect his required participation in the PATH program, which triggered the system to report that his ■ month state TANF time limit had expired effective October 1, 2016, resulting in the closure of his FIP case. Department Exhibit 1, pg. 6.
5. On October 10, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action that his FIP case was closed effective November 1, 2016 due to him meeting his ■ month state TANF time limit. Department Exhibit 1, pgs. 2-5.
6. On October 14, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

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 [PL 104-193] and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a 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, 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. 1.

The ■-month lifetime limit for State-funded FIP cases allows exemption months in which an individual does not receive a count towards the individual's ■-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, pp 3-4. FIP benefits received prior to October 1, 2006, are **not** State-funded. BEM 234, pp. 2-3.

Once an individual reaches a FIP time limit and the FIP closes, the individual is not eligible for FIP if the individual reapplies and meets an exemption criteria. BEM 234, p. 6.

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. 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. Effective October 1, 2011, BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of ■ months for State-funded FIP cases for which no months were exempt. BEM 234.

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

In this case, The Petitioner was a recipient of FIP benefits with a requirement to participate in PATH program. The Petitioner had a PATH medical deferral that excused him from participating in the PATH program, but still allowed him to receive FAP benefits. On September 26, 2016, the Medical Review Team (MRT) reviewed the Petitioner's medical deferral from PATH and determined that he no longer met the criteria for a continued PATH medical deferral. Department Exhibit 1, pgs. 7-13.

On October 10, 2016, the Department Caseworker changed the Petitioner's employment code on BRIDGES to reflect his required participation in the PATH program, which triggered the system to report that his ■ month state TANF time limit had expired effective October 1, 2016, resulting in the closure of his FIP case. Department Exhibit 1, pg. 6. On October 10, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action that his FIP case was closed effective November

1, 2016 due to him meeting his ■ month state TANF time limit. Department Exhibit 1, pgs. 2-5. On October 14, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.

During the hearing, the Petitioner stated that he disagree with the MRT decision that he could participate in the PATH program. This Administrative Law Judge informed the Petitioner that she did not have the authority to review or reverse the MRT decision for PATH. She could only determine if the Department followed policy in implementing the MRT decision. This Administrative Law Judge finds that the Department followed policy in implementing the MRT decision that the Petitioner could participate in PATH.

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds the Department has met its burden of proving by a preponderance of the evidence that the Petitioner has reached or exceeded the lifetime limit of ■ months for state-funded FIP cases.

Accordingly, the Administrative Law Judge finds that, based on the competent, material and substantial evidence presented during the hearing, the Department acted in accordance with policy in closing Petitioner's FIP benefits case for the reason that Petitioner has reached the ■-month lifetime limit of state-funded FIP assistance and is therefore no longer eligible to receive FIP assistance, pursuant to BEM 234.

DECISION AND ORDER

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 determined that the Petitioner was no longer eligible for FIP benefits because MRT determined that he was no longer eligible for a PATH deferral and could participate in PATH, which resulted in his FIP case being closed because he had reached his ■ month state TANF time limit.

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



Carmen G. Fahie

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

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