



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 9, 2017
MAHS Docket No.: 17-003592
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 April 13, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED] AP Supervisor. [REDACTED] [REDACTED] from the Department also appeared and testified. Department Exhibit 1, pp.1-28 was received and admitted without objection.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits because she reached the 48 month State Time 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. Petitioner was a recipient of FIP benefits.
2. Petitioner received FIP benefits for 48 countable months.
3. On February 22, 2017, the Department issued a Notice of Case Action informing her that her FIP case would close effective April 1, 2017, because she received 48 months of FIP benefits, which is the time allowed for eligibility.

4. On March 10, 2017, Petitioner requested hearing contesting the closure of FIP benefits.

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.

STATE TIME LIMIT

The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. Michigan has a 48 month lifetime limit. This 48 month lifetime limit is more restrictive than the federal 60 month lifetime limit.

Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. A family is ineligible for FIP when a mandatory group member in the program group reaches the 48 month state time limit.

State Time Limit Exemptions

The state time limit allows exemption months in which an individual does not receive a count towards the individual's state time limit. However, the federal time limit continues, unless the exemption is state funded.

Effective Oct. 1, 2011, exemption months are months the individual is deferred from PATH for:

Domestic violence.

Age 65 and older.

A verified disability or long-term incapacity lasting longer than 90 days.

Note: This includes the deferral reason of establishing incapacity.

A spouse or parent who provides care for a spouse or child with verified disabilities living in the home. BEM 234 (July 2013)

SANCTIONED MONTHS

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.

Family Automated Screening Tool (FAST) noncompliance.
Family Self-Sufficiency Plan (FSSP) noncompliance.
Family Strengthening Activities noncompliance. BEM 234

In this case, the only issue in dispute was whether Petitioner voluntarily closed her FIP case in █████ County in November 2013. The Department presented Case Notes showing that a triage request was made on October 25, 2013, when Petitioner informed them that she lost her job at █████ in █████. These notes also reflect that a triage was held on November 5, 2013, and the case closed on November 7, 2013, due to noncompliance. (Dept. Ex.1, p. 20) The sanction months following closure counted towards Petitioner's FIP Time limits. BEM 234

Petitioner testified that her recollection was that she lost her job at █████ in █████ in November 2013 due to transportation issues and she informed her Michigan Works case worker but not her DHHS case worker that she wished to close her FIP case voluntarily. Petitioner testified that she moved to █████ █████ and was homeless for a time period and stated that she never received notice of the triage meeting or notice that her FIP case closed due to noncompliance. Petitioner acknowledged that she did not provide a forwarding address from her residence in █████ County and did not provide an updated address to the Department. Petitioner should have followed up with the Department to confirm that her FIP case closed voluntarily or put something in writing to close her case so she had adequate proof. Nothing in the Department record corroborates Petitioner's testimony regarding her voluntary closure. The Department acted properly in sending the closure notice to the address Petitioner had on file.

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 closed her FIP case due to reaching the 48 month FIP time limit.

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

AM/mc



Aaron McClintic

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]