



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 30, 2017
MAHS Docket No.: 17-006136
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Eric J. Feldman

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; 42 CFR 438.400 to 438.424; 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 [REDACTED], from Detroit, Michigan. Petitioner was present for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist.

ISSUE

Did the Department properly determine that Petitioner exceeded the 48-month lifetime limit for state-funded Family Independence Program (FIP) benefits and was not eligible for an exception?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], Petitioner filed an application for Cash Assistance program (FIP) benefits. [Exhibit A, pp. 12-13.]
2. On [REDACTED], the Department notified Petitioner that her Cash Assistance program (FIP) application was denied effective [REDACTED], because she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of [REDACTED]. [Exhibit A, pp. 4-7.]
3. On [REDACTED], the Department received the Petitioner's Request for Hearing, disputing the Department's action. [Exhibit A, pp. 2-3.]

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 FIP benefit program is not an entitlement. BEM 234 (July 2013), p. 1. The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. BEM 234, p. 4. Michigan has a 48-month lifetime limit. BEM 234, p. 4. This 48-month lifetime limit is more restrictive than the federal 60-month lifetime limit. BEM 234, p. 4.

Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. BEM 234, p. 4. A family is ineligible for FIP when a mandatory group member in the program group reaches the 48-month state time limit. BEM 234, p. 4.

The state time limit allows exemption months in which an individual does not receive a count towards the individual's state time limit. BEM 234, p. 4. However, the federal time limit continues, unless the exemption is state funded. BEM 234, p. 4.

Effective [REDACTED], exemption months are months the individual is deferred from Partnership.Accountability.Training.Hope. (PATH) for: (i) domestic violence; (ii) age 65 and older; (iii) a verified disability or long-term incapacity lasting longer than 90 days; or a spouse or parent who provides care for a spouse or child with verified disabilities living in the home. BEM 234, p. 4.

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

In this case, on [REDACTED], Petitioner applied for Cash Assistance program (FIP) benefits. [Exhibit A, pp. 12-13.] On [REDACTED], the Department notified Petitioner that her Cash Assistance program (FIP) application was denied effective [REDACTED], because she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of [REDACTED]. [Exhibit A, pp. 4-7.]

At the hearing, the Department presented as evidence Petitioner's "Michigan FIP Time Limit" document (hereinafter referred to as "FIP time limit"). [Exhibit A, pp. 8-10.] The FIP time limit showed that Petitioner had received a cumulative total of [REDACTED] months or more of FIP benefits as of [REDACTED]. [Exhibit A, pp. 8-10.] Before proceeding

to Petitioner's argument, the undersigned sought further clarification from both parties if the period of [REDACTED] should be countable because it indicated she was "deferred" from work participation status. [Exhibit A, pp. 8-9.] It was discovered that Petitioner gave birth to her child in [REDACTED]; and she was deferred from the PATH program for three months, but not more than 90 days. [Exhibit A, p. 9.] A review of policy finds that Petitioner did not meet any of the deferral exemptions during this three month period; therefore, the Department properly included these months as part of the state time limit. See BEM 234, p. 4.

Petitioner had three general arguments in which she disputed several benefit periods that the Department should have not counted towards the state lifetime limit. The undersigned will address each of Petitioner's arguments below:

First, Petitioner argued that she did not receive FIP benefits from on or about [REDACTED]. A review of the FIP time limit showed that she received FIP benefits for [REDACTED]; she was disqualified from receiving FIP benefits from [REDACTED]; and the FIP time limit agreed with her that she did not receive FIP benefits for February 2014. [Exhibit A, p. 8.] In regards to [REDACTED], the Department presented a benefit summary inquiry showing that she received FIP benefits for [REDACTED]; thus, this month is counted towards her state time limit. [Exhibit B, p. 3.] For Petitioner's sanctioned months of [REDACTED], policy states each month an individual serves a sanction period, those months count toward their state time limit. BEM 234, p. 6. Sanction months should be counted starting [REDACTED]. BEM 234, p. 6. Sanctioned reasons that count towards the individual time limit are: (i) employment and training noncompliance; (ii) Family Automated Screening Tool (FAST) noncompliance; (iii) Family Self-Sufficiency Plan (FSSP) noncompliance; and (iv) Family Strengthening Activities noncompliance. BEM 234, p. 6. For the period of [REDACTED], Petitioner was a disqualified adult due to a non-cooperation with employment and training, which falls under a sanctioned reason. BEM 234, p. 6. Therefore, the Department properly included her sanctioned months of [REDACTED] towards her state time limit. [Exhibit A, p. 8, and BEM 234, p. 6.]

It should be noted that the FIP time limit also stated that she was in non-cooperation with employment and training during the periods of [REDACTED], but did not indicate she was sanctioned as compared to the periods of [REDACTED]. [Exhibit A, pp. 8-9.] Nonetheless, the benefit summary inquiry showed that she received FIP benefits from [REDACTED], which meant that these months were properly counted towards her state time limit. [Exhibit B, pp. 2-3.]

Second, Petitioner argued that she did not receive FIP benefits for [REDACTED] as reflected in the FIP time limit. She testified that she applied for FIP benefits during this period, but due to the 21-day PATH application eligibility period (AEP), she did not start receiving benefits until [REDACTED]. [Exhibit A, p. 8.] However, the undersigned disagrees. The benefit summary inquiry shows that Petitioner received FIP benefits for [REDACTED], which again, means that the Department properly counted this month towards her state time limit. [Exhibit B, p. 4.]

Third, Petitioner argued that she did not receive FIP benefits from [REDACTED], ongoing. She indicated that she was triaged at that point due to not being employed and her benefits were terminated. Petitioner also provided verification of her employment showing she was employed from [REDACTED]. [Exhibit 1, p. 1.] Due to her employment, Petitioner argued that she was not eligible to receive FIP benefits and/or did not receive any benefits. However, the undersigned disagrees. The FIP time limit shows that she received FIP benefits from [REDACTED] and that she was sanctioned for the periods of [REDACTED]. [Exhibit A, p. 8.] Despite her claim that she did not receive FIP benefits, a review of the benefit summary inquiry shows that she received FIP benefits for [REDACTED], which means that the Department properly counted these months towards her state time limit. [Exhibit B, pp. 4-6.] For the remaining periods of [REDACTED], Petitioner was a disqualified adult due to a non-cooperation with employment and training, which falls under a sanctioned reason. Therefore, the Department properly included her sanctioned months of [REDACTED] towards her state time limit. [Exhibit A, p. 8, and BEM 234, p. 6.]


Based on the foregoing information and evidence, the Department presented evidence that Petitioner had exceeded the 48-month lifetime limit for state-funded FIP assistance as of [REDACTED]. [Exhibit A, pp. 8-9.] Petitioner attempted to argue how several benefits periods should have not counted towards the 48-month lifetime limit. However, as shown above, the undersigned disagreed. Instead, the Department presented credible testimony and evidence showing how she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of [REDACTED]. [Exhibit A, pp. 8-9, and Exhibit B, pp. 1-6.] Thus, the Department acted in accordance with Department policy when it denied Petitioner's Cash Assistance program (FIP) eligibility effective [REDACTED]. See BEM 234, pp. 1-7.

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 denied Petitioner's Cash Assistance program (FIP) eligibility effective [REDACTED], because she had reached the 48-month lifetime limit for state-funded FIP assistance.

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

EJF/jaf



Eric J. Feldman
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

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

DHHS

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]