



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 17, 2017  
MAHS Docket No.: 17-009957  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Vicki Armstrong

**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, an in-person hearing was held on September 25, 2017, in [REDACTED] Michigan.

Petitioner was represented by her Authorized Hearing Representative, [REDACTED]. [REDACTED] personally appeared and testified on Petitioner's behalf. The Department of Health and Human Services (Department) was represented by Hearing Facilitator [REDACTED] and Eligibility Specialist [REDACTED]. [REDACTED] and [REDACTED] testified on behalf of the Department. The Department submitted eight exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits because his group reached the maximum of 48 months of 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. On [REDACTED], the Department mailed Petitioner a Notice of Case Action informing Petitioner that his FIP benefits would close on [REDACTED] ongoing. [Dept. Exh. 3-6].

2. On [REDACTED], the Department received Petitioner's hearing request contesting the closure of FIP benefits because he was unable to work during the winter months due to his asthma. [Dept. Exh. 2].
3. On [REDACTED], the Michigan FIP Time Limit showed that beginning [REDACTED], through [REDACTED], Petitioner received 48 months of FIP benefits, not counting the month of [REDACTED], where he was deferred based on his being "incapacitated to work." [Dept. Exh. 7-8].

### **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.

FIP is not an entitlement. BEM 234, p 1 (7/1/2013). FIP requires an individual to meet all eligibility criteria required for the receipt of federal or state funds or determined necessary by the department to accomplish the goals of the program. *Id.*

Michigan operates a single FIP whose budgeting and accounting methods use both federal and state funds. *Id.* To execute the most efficient, fair and cost-effective administration of the program, the proportion of federal and state funding associated with a case is dependent upon the group composition and/or individual characteristics on a case by case basis, as determined by the department. *Id.*

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. *Id.* The message that FIP is temporary is an important part of how Michigan helps parents take advantage of the opportunities for work as well as self-sufficiency and independence. *Id.* Families receiving FIP are to engage in activities that will help them gain financial independence and increase self-sufficiency. *Id.*

On Oct. 1, 1996, Michigan law reduced the cumulative total of FIP to 48 months during an individual's lifetime. *Id.* 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. In this case, Petitioner stated that he believed there was an exception to the policy that he fell under which would allow him to continue to receive FIP benefits for an additional 12 months for a total of 60 months. Petitioner explained that he did not know what the policy was but that he had been told that such a policy existed.

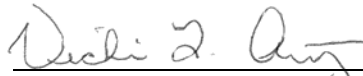
The Department representative testified that they relied on BEM 234 in finding that Petitioner was no longer eligible for FIP because a mandatory group member had reached the 48-month state time limit.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Petitioner's FIP benefits.

**DECISION AND ORDER**

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

VLA/bb



---

**Vicki Armstrong**  
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]