



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

Date Mailed: October 30, 2017
MAHS Docket No.: 17-011335
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 [REDACTED] Michigan. Petitioner was present for the hearing and represented herself. Petitioner's spouse, [REDACTED]; and Petitioner's friend, [REDACTED], were also present for the hearing as witnesses for Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistant Payment Supervisor; and [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. Petitioner was an ongoing recipient of FIP benefits.
2. On [REDACTED], the Department sent medical paperwork to the Disability Determination Service (DDS)/Medical Review Team (MRT) to determine if Petitioner can have a medical deferral from the Partnership. Accountability. Training. Hope (PATH) program. [Exhibit A, pp. 1 and 5-7.]

3. On [REDACTED], DDS/MRT denied Petitioner's deferral request from the PATH program and determined she is not disabled and work ready with limitations. [Exhibit A, pp. 1 and 5-7.]
4. As a result of DDS/MRT determination, the Department updated Petitioner's status in its system that she is work ready, which ultimately led to her case being closed due to exceeding the time limits.
5. On [REDACTED], the Department notified Petitioner that her Cash Assistance program (FIP) would close effective [REDACTED], ongoing, because she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of [REDACTED]. [Exhibit A, pp. 5-12.]
6. On [REDACTED], the Department received the Petitioner's Request for Hearing, disputing the Department's action. [Exhibit A, pp. 3-4.]

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 State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Preliminary matter

As a preliminary matter, Petitioner also requested a hearing in which she disputed the SDA benefits. [Exhibit A, p. 4.] However, the contested issue in this case was the closure of her FIP benefits, not the SDA benefits. Therefore, the undersigned will not address Petitioner's dispute with the SDA benefits and her hearing request concerning the SDA program is DISMISSED. [Exhibit A, p. 4.]

State Time Limits

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 a 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, Petitioner was an ongoing recipient of FIP benefits. On February 6, 2017, the Department sent medical paperwork to the DDS/MRT to determine if Petitioner can have a medical deferral from the PATH program. [Exhibit A, pp. 1 and 5-7.] On [REDACTED], DDS/MRT denied Petitioner's deferral request from the PATH program and determined she is not disabled and work ready with limitations. [Exhibit A, pp. 1 and 5-7.] As a result of DDS/MRT determination, the Department updated Petitioner's status in its system that she is work ready, which ultimately led to her case being closed due to exceeding the time limits. On [REDACTED], the Department notified Petitioner that her Cash Assistance program (FIP) would close effective [REDACTED], ongoing, because she had exceeded the 48-month lifetime limit for state-funded FIP assistance as of August 1, 2017. [Exhibit A, pp. 5-12.]

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. 13-15.] This document showed that Petitioner had received a cumulative total of 54 months or more of FIP benefits as of [REDACTED]. [Exhibit A, pp. 13-15.] It should be noted that the FIP time limit document showed she was disqualified from receiving FIP benefits from [REDACTED], to [REDACTED], due to a non-cooperation with employment and training, but the Department still counted these months towards her state time limit. [Exhibit A, p. 14.] For Petitioner's sanctioned months, 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], to [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], to [REDACTED], towards her state time limit. [Exhibit A, p. 14 and BEM 234, p. 6.]

In response, Petitioner's main argument was that she suffers from medical disabilities and therefore, she is unable to participate in the PATH program. Petitioner provided medical documentation showing her diagnosis; however, the documents were not admitted into the evidence record because the hearing for this case was not a disability hearing, but instead, whether she exceeded the time limit.

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. 13-15.] Petitioner attempted to argue that she is unable to participate in the PATH program due to her ongoing disabilities, despite DDS's/MRT's finding that she is not disabled and work ready with limitations. [Exhibit A, pp. 1 and 5-6.] The undersigned cannot override DDS's/MRT's finding that she cannot be medically deferred from the PATH program. See BEM 23A (October 2015), p. 18 (When a deferral is not granted, it is not a loss of benefits, termination or negative action). 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. 13-15.] Thus, the Department acted in accordance with Department policy when it closed Petitioner's Cash Assistance program (FIP) effective [REDACTED]. See BEM 234, pp. 1-7.

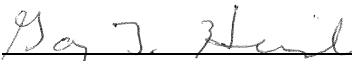
DECISION AND ORDER

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 closed Petitioner's FIP benefits effective [REDACTED], ongoing, because she had reached the 48-month lifetime limit for state-funded FIP assistance.

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

IT IS ALSO ORDERED that Petitioner's SDA hearing request is **DISMISSED**.

EF for GF/bb



Gary Heisler
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]