



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 18, 2017
MAHS Docket No.: 17-006846
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 July 26, 2017, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator. [REDACTED] appeared as an [REDACTED] translator.

ISSUE

The first issue is whether MDHHS properly terminated Petitioner's Family Independence Program (FIP) eligibility.

The second issue is whether MDHHS properly denied Petitioner's application for FIP.

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 FIP recipient.
2. Through November 2016, Petitioner received FIP benefit months in 48 federally-funded countable months since June 1996.
3. On October 31, 2016, MDHHS terminated Petitioner's FIP eligibility, effective December 2016.
4. On April 21, 2017, Petitioner reapplied for FIP benefits.

5. On May 8, 2017, MDHHS denied Petitioner's FIP application due to Petitioner meeting the lifetime limit to receive FIP.
6. On May 18, 2017, Petitioner requested a hearing to dispute the termination and denied application of FIP benefits.

CONCLUSIONS OF LAW

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a termination of FIP benefits beginning December 2016. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 1-2) dated October 31, 2016. The notice informed Petitioner of a termination of FIP benefits beginning December 2016. The reason for termination is irrelevant due to Petitioner's untimely hearing request.

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (October 2016), p. 6. The request must be received in the local office within the 90 days.... *Id.*

Petitioner's hearing request was submitted to MDHHS approximately 199 days after MDHHS issued written notice of the FIP termination. Petitioner's delay in requesting a hearing justifies dismissal of Petitioner's hearing request.

Petitioner also requested a hearing to dispute the denial of her FIP application dated April 21, 2017. MDHHS presented a Notice of Case Action (Exhibit 1, pp. 3-4) dated May 8, 2017. The notice informed Petitioner that her FIP application was denied due to meeting the lifetime limit for receipt of FIP benefits.

The FIP benefit program is not an entitlement. BEM 234 (July 2013), 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. *Id.*

On Oct. 1, 1996, Michigan law reduced the cumulative total of FIP to 48 months during an individual's lifetime. *Id.* Also, under the Family Independence Program, a family is not eligible for assistance beyond 60 consecutive or non-consecutive federally funded months. *Id.* Federally funded countable months began to accrue for FIP on Oct. 1, 1996. *Id.* Counts accrued for every month a family received FIP, including months that met hardship criteria. *Id.* As of Oct. 1, 1996, no hardship criteria exists in Michigan. *Id.*

The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. *Id.* Michigan has a 48-month lifetime limit. *Id.* This 48-month lifetime limit is more restrictive than the federal 60-month lifetime limit. *Id.* Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. *Id.* A family is ineligible for FIP when a mandatory group member in the program group reaches the 48-month state time limit. *Id.*

MDHHS presented documents showing the number of months Petitioner received FIP benefits that were federal-funded and state-funded (see Exhibit 1, pp. 5-6). A count of 48 months was stated for state-funded and federal-funded months.

Petitioner testified she was denied disability in the past (though she also stated that she was employed and making \$■■■■/week). Petitioner also testified that more money is needed for her household which included ■ minor children. Petitioner's circumstances are appreciated, but MDHHS policy does not allow exceptions to lifetime FIP limits based on hardship.


Petitioner's receipt of 48 months in state-funded FIP benefits disqualifies Petitioner from further FIP eligibility. It is found that MDHHS properly denied Petitioner's FIP application.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner failed to timely dispute a termination of FIP benefits from December 2016. Petitioner's hearing request is **PARTIALLY DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's FIP application dated April 21, 2017. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



Christian Gardocki
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]
[REDACTED]
[REDACTED]
[REDACTED]

Petitioner

[REDACTED]
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