



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 30, 2017
MAHS Docket No.: 17-012433
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 October 31, 2017, from Detroit, Michigan. The Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Donna Rojas, Family Independence Manager and Joanna Strom, Case Manager.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case?

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 September 6, 2017 the Department sent Petitioner a Benefit Notice advising her that her FIP case closed effective August 31, 2017 on the basis that she has exceeded the state time limit maximum for receipt of FIP benefits. (Exhibit A, pp. 11-12)
3. The Department conceded that it did not send Petitioner timely notice of the closure of her FIP case as required.
4. On September 7, 2017 the Department sent Petitioner a Quick Note informing her that because it failed to issue a timely notice of case closure, it was requesting a

Help Desk Ticket to issue a FIP supplement to Petitioner for the month of September 2017. The Quick Note and Case Comments Summary further indicate that a new Benefit Notice will be sent informing timely informing of a case closure effective October 1, 2017. (Exhibit A, p. 9-10)

5. Petitioner received a FIP supplement for the month of September 2017. (Exhibit D)
6. On September 12, 2017 Petitioner requested a hearing disputing the Department's closure of her FIP case, asserting that due to her health conditions, the time limits do not apply to her. (Exhibit A, p. 13)

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 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 move to self-sufficiency. BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 48 months for State-funded FIP cases for which no months were exempt. BEM 234, p. 1.

The state time limit reflects the number of remaining months an individual may receive FIP in the State of Michigan. 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 reaches the 48 month state time limit. The 48-month lifetime limit for State-funded FIP cases allows exemption months in which an individual does not receive a count towards the individual's 48-month lifetime limit. BEM 234, p. 3-4. Exemption months are months the individual is deferred from the Partnership. Accountability. Training. Hope. (PATH) program for (i) domestic violence; (ii) being 65 years of age or older; (iii) a verified disability or long-term incapacity lasting longer than 90 days (including establishing incapacity); or (iv) being a spouse or parent who provides care for a spouse or child with verified disabilities living in the home. BEM 234, pp. 3-4. Additionally, each month an individual serves a sanction period, those months are countable towards the state time limit. Sanction months should be counted starting October 1, 2007. Sanctioned months that count

towards the individual time limit are: employment and training noncompliance; Family Automated Screening Tool (FAST) noncompliance; Family Self-Sufficiency Plan (FSSP) noncompliance; and Family Strengthening noncompliance. BEM 234, p. 6. 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 an exemption criteria. BEM 234, p. 7.

At the hearing, the Department provided a Michigan FIP Time Limit counter/summary showing each of the countable months in which Petitioner received state funded FIP benefits (Exhibit A, pp. 3-5; Exhibit C). The Department testified that it relied on this list to establish that 48 countable months of FIP benefits were issued to Petitioner during the relevant time period. Although the Michigan FIP Time Limit counter does show some months in which Petitioner was eligible for an exemption to the state time limit due to her deferral from PATH based on establishing incapacity or domestic violence, the counter also shows countable months due to Petitioner's noncompliance with employment and training requirements. Upon review of the evidence that was presented, the Department has established that Petitioner received a total of 48 countable months of state funded FIP benefits.

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 case.

DECISION AND ORDER

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

ZB/tlf



Zainab A. Baydoun
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

Via Email:

MDHHS-Kent-Hearings
BSC3 Hearing Decisions
B. Cabanaw
MAHS

Petitioner – Via First-Class Mail:

