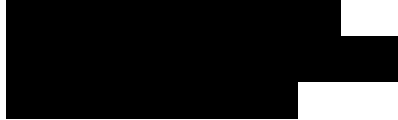




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: April 19, 2018
MAHS Docket No.: 17-015914-RECON
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 April 12, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Johnnie Smith, Family Independence Specialist.

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 FIP recipient.
2. On September 6, 2017, the Medical Review Team (MRT) issued a decision stating Petitioner was not disabled (Exhibit D).
3. On November 20, 2017, the Department sent Petitioner a Notice of Case Action informing her that her FIP benefit case was closing effective January 1, 2018, ongoing, on the basis that she exceeded the Federal time limit (Exhibit A).
4. On December 4, 2017, Petitioner submitted a request for hearing disputing the Department's actions.

5. A hearing was conducted with the Michigan Administrative Hearing System (MAHS) regarding Petitioner's hearing request on January 22, 2018.
6. On January 25, 2018, the Undersigned issued a decision affirming the Department's November 20, 2017 decision.
7. On March 14, 2018, MAHS issued an Order Granting Petitioner's request for Rehearing vacating, in part, the January 25, 2018 decision.
8. On April 12, 2018, a hearing was scheduled to address only the issue of whether Petitioner had 60 Federally-funded FIP benefits.

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.

In this case, Petitioner submitted a request for hearing disputing the Department's decision to close her FIP benefit case. The January 25, 2018 decision found that Petitioner was no longer eligible for an exemption and that portion of the decision was not vacated by the order issued March 14, 2018. The March 14, 2018 order vacated the portion of the January 25, 2018 decision finding that the Department had established that Petitioner did have 60 federally-funded FIP benefits. A hearing was scheduled to take evidence on that issue.

The FIP is not an entitlement. BEM 234 (July 2013), p. 1. Temporary Assistance to Needy Families (TANF) is the federal grant that funds the majority of FIP benefits issued by the Department. Under the federal FIP time limit, individuals are not eligible for continued FIP benefits once they receive a cumulative total of 60 months of FIP benefits unless they are eligible for an exception to the federal time limit. Each month an individual receives federally funded FIP, the individual receives a count of one month. An exemption to the federal 60 month time limit exists for individuals who were, as of January 9, 2013, (1) approved/active for FIP benefits and (2) exempt from participation in the Partnership. Accountability. Training. Hope. (PATH) program for domestic violence, establishing incapacity, incapacitated more than 90 days, age 65 or older, or caring for a spouse or child with disabilities. BEM 234, p. 2. The exemption continues as long as the individual's ongoing FIP EDG reaches 60 TANF federal months and as long

as the individual remains eligible for any of the foregoing employment deferral reasons. BEM 234, p. 2. The federal limit count begins October 1996. BEM 234, p. 1. Any month that an individual's FIP assistance is state funded is not a countable month towards the federal time limit count. BEM 234 at pp. 3-4 outlines the limited number of situations in which a FIP case will be state funded.

In support of its argument that Petitioner exceeded the federal time limit, the Department previously presented the Federal Time Limit Search Summary for Petitioner's FIP benefits (Exhibit B). Under the "total countable month" column, it shows Petitioner had 135 Federally-funded FIP payments. It also shows that Petitioner was previously subject to an exception. At the April 12, 2018 hearing, the Department also presented the Federal FIP Time Limit Counter showing each of the countable months that Petitioner received federally-funded FIP benefits (Exhibit E). The FIP Time Limit Counter shows Petitioner had received 135 federally funded FIP benefits after October 1996.

Petitioner argued that she was exempt at the time she received the majority of her FIP benefits, and therefore, those months should not count toward her total. Policy does not state that months where an individual is subject to an exemption do not count toward a client's total for federally funded FIP benefits. All federally funded FIP benefits issued to a client are countable. Once an individual exceeds the federal time limit, they are only eligible to continue to receive FIP benefits if they have an exemption. As stated above, Petitioner was no longer eligible for an exemption. The Department provided sufficient documentation to establish that Petitioner had 135 months of federally funded FIP benefits. Therefore, the Department acted in accordance with policy when it closed Petitioner's FIP benefit case.

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

EM/cg



Ellen McLemore
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-Wayne-Pathways-Hearings
B. Sanborn
B. Cabanaw
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-class Mail:

