



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: February 6, 2018  
MAHS Docket No.: 17-013104  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Denise McNulty**

**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 December 4, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits because she exceeded the allowable time limits?

**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. Petitioner had been placed in deferral status claiming a disability over 90 days.
3. On May 30, 2017, the Medical Review Team/ Disability Determination Service (MRT)/(DDS) decision returned regarding Petitioner's continued eligibility for deferral from Partnership.Accountability.Training.Hope. (PATH) program.
4. On May 30, 2017, the MRT/DDS found Petitioner not disabled-work ready with limitations.
5. On July 27, 2017, the Department sent Petitioner a quick note informing her that deferral from PATH over 90 days was denied and that her FIP case would close

effective September 1, 2017, for exceeding the Federal Time Limit. [Exhibit A, pp. 11-12.] Petitioner received FIP benefits for 124 months.

6. On October 2, 2017, the Department received Petitioner's request for hearing to address the closing of her FIP benefits.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of 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 Family Independence Agency) 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 to .3131.

The FIP benefit program is not an entitlement. BEM 234 (July 2013), pp. 1-2. Department policy allows a person to continue receiving FIP benefits after they have exceeded the time limit if they are in deferral status. The relevant Department policy states as follows:

Michigan will provide an exception to the federal 60 month time limit eligibility criteria and state fund the FIP eligibility determination group (EDG) for individuals that met the following criteria on Jan. 9, 2013:

An approved/active ongoing FIP EDG **and**

- Who was exempt from participation in the Partnership.Accountability.Training.Hope. (PATH) program for: Domestic violence.
- Age 65 or older.
- Establishing incapacity.
- Incapacitated more than 90 days.
- Care of a spouse with disabilities.
- Care of a child with disabilities.

The exception continues as long as:

- The individual's ongoing FIP EDG reaches 60 TANF federal months **and** the individual remains one of the above employment deferral reasons. In these instances, the FIP EDG will become state funded after the 60th month.

- The individual, at application, is approved as **any** of the above employment deferral reasons. In these instances, the FIP EDG will be state funded.

The exception ends once one of the above individuals **no** longer qualifies for one of the above employment deferral reasons or they **no** longer meet other standard eligibility criteria for FIP. The FIP EDG will close or the application will be denied.

On July 27, 2017, the Department mailed Petitioner a “quick note” stating her case would close because she had exceeded the Federal Time Limit. At the hearing, the Department indicated that Petitioner had previously been placed in deferral status because she had a disability lasting over 90 days. A review of the Michigan Time Limit Counter reveals that the deferral ended in approximately May 2017. The Department testified that any month that a client receives FIP benefits and is not deferred counts as a month towards the time limits. Petitioner does not deny that the deferral ended nor that she received benefits for more than 60 months under the Federal program and more than 48 months under the State program. At the time benefits closed, Petitioner had received 124 months of FIP benefits. Petitioner began receiving benefits in June 1996.

The Department presented a Medical-Social Eligibility Certification showing Petitioner has been found to be “not disabled-work ready with limitations” as of May 2017. [Exhibit A, pp. 4-10.] Since Petitioner was no longer disabled, her deferral status ended. Because Petitioner was no longer in deferral status and had exhausted both the federal and state time limits for receipt of benefits, it is found that the Department properly closed Petitioner’s FIP benefits effective September 1, 2017, because she exceeded the allowable time limits.

### **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 properly when it closed Petitioner’s FIP case after she was no longer in deferral status and had exceeded the Federal time limit.

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



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**Denise McNulty**  
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**

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[REDACTED]

**Petitioner**

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