



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: January 22, 2018  
MAHS Docket No.: 17-015608  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Laura Gibson**

**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 January 17, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist, and [REDACTED], Eligibility Specialist.

**ISSUE**

Did the Department properly close Petitioner's Family Independence Program (FIP) case, on the basis that Petitioner had exceeded federal 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 FIP recipient.
2. The Department sent Petitioner a Medical Determination Verification Checklist (VCL) on October 23, 2017, requesting Petitioner complete and return a DHS-54E, Medical Needs-PATH, form (DHS-54E) by November 2, 2017.
3. Petitioner received the VCL and DHS-54E, but was unable to get an appointment with her son's doctor to fill out the DHS 54-E.

4. On November 17, 2017, Petitioner sent the Department a letter from her son's doctor, indicating that Petitioner requires child care for her other children while she attends doctor's appointments with her son.
5. Petitioner's son is disabled, and Petitioner provides care for him.
6. Petitioner has received 60 months of FIP benefits in the period from April 2007 to November 2017.
7. After Petitioner did not provide a completed DHS-54E, Petitioner's FIP case was closed effective December 1, 2017.
8. On November 28, 2017, Petitioner requested a hearing disputing the Department's actions regarding her FIP case.

### **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 filed a Request for Hearing disputing the Department's actions regarding her FIP case. The Department testified that Petitioner's FIP case was closed because she had exceeded the federal time limits for receipt of FIP benefits, and was no longer subject to an exception to the time limits based on an employment deferral.

Effective October 1, 1996, any group that includes an individual who has received 60 months or more of FIP is not eligible for the FIP program. BEM 234 (July 2013), pp. 1-2. Each month an individual receives federally funded FIP, the individual receives a count of one month. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. BEM 234, p. 2. 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 January 9, 2013: an approved/active ongoing FIP EDG and who was exempt from participation in the Partnership. Accountability. Training. Hope. (PATH) program for: (i) domestic violence; (ii) age 65 or older; (iii) establishing incapacity; (iv) incapacitated more than 90 days; (v) care of a spouse with disabilities; or (vi) 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. 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. BEM 234, p. 2.

In this case, Petitioner exceeded the allowed 60 months of FIP benefits as of November 2017. Because Petitioner met the condition as of January 9, 2013, she was eligible for the exemption to the federal time limit. In order to continue receiving FIP benefits, Petitioner must satisfy one of the exceptions listed in BEM 234. At the hearing, Petitioner contended that she was exempt from participation in the PATH program because she cares for her disabled son.

To establish employment deferral for care of a child with disabilities, the child with disabilities must live with the parent providing care, and a doctor or physician's assistant must verify all of the following in writing or by using a DHS-54A, Medical Needs, form or DHS-54E, Medical Needs-PATH: (i) the child with disabilities requires a caretaker due to the extent of the disability; (ii) the parent is needed in the home to provide care; and (iii) the parent cannot engage in an employment-related activity due to the extent of the care needed. BEM 230A (October 2015), p.17.

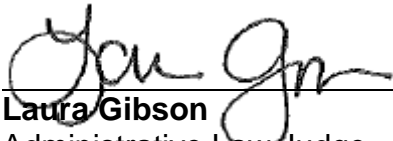
In this case, the Department sent Petitioner a DHS-54E to verify that Petitioner satisfied the conditions of an employment deferral for care of a child with disabilities. However, Petitioner failed to timely return the DHS-54E to the Department. Thus, the Department relied on the information available to it at the time, and ended Petitioner's employment deferral. Once Petitioner's employment deferral was ended, Petitioner had received the 60 month maximum of FIP benefits, and the Department closed Petitioner's FIP case. Based on the information available to the Department at the time, the Department acted in accordance with policy when it closed Petitioner's FIP case after not receiving the DHS-54E in a timely fashion.

### **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 case.

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

LG/tlf



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**Laura Gibson**  
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:**



**Petitioner – Via First-Class Mail:**

