



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 19, 2018  
MAHS Docket No.: 18-002993  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Kevin Scully**

**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. After due notice, a telephone hearing was held on May 23, 2018, from Lansing, Michigan. Petitioner represented herself. The Department of Health and Human Services was represented by Seantel Hooks.

**ISSUE**

Did the Department of Health and Human Services (Department) closed Petitioner's Family Independence Program (FIP) benefits?

**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 Family Independence Program (FIP) recipient until March 31, 2018, under an exception to time limited cash assistance requirements for the care of a child with disabilities. Exhibit A, pp 8-9.
2. On March 1, 2018, the Department received a Medical Needs – Path (DHS-54-E) indicating that Petitioner's child "requires medication administration two times per day, otherwise, he has no special cares which are required." Exhibit A, pp 4-5.
3. Petitioner has received 52 months of state-funded cash assistance. Exhibit A, p 15.
4. Petitioner has received 150 months of federal-funded cash assistance. Exhibit A, p 16.

5. The Department closed Petitioner's Family Independence Program (FIP) benefits as of April 1, 2018. Exhibit A, p 8.
6. On March 23, 2018, the Department received Petitioner's request for a hearing protesting the closure of her Family Independence Program (FIP) benefits. Exhibit A, pp 2-3.

### **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 benefit program is not an entitlement. BEM 234 (July 1, 2013), p. 1. 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. An exception 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; MCL 400.57a(4). The exception continues 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.

Petitioner was an ongoing FIP recipient with 150 months of federal-funded cash assistance. Petitioner remained eligible for FIP benefits as the caretaker of a disabled child in accordance with BEM 234. On March 1, 2018, the Department received a Medical Needs – Path (DHS-54-E) indicating that other than needing assistance with the administration of medication, that Petitioner's child has "no special cares which are required." Since the documentation submitted by Petitioner and signed by her child's treating physician does not support a finding that Petitioner meets the exception to the time limits for receiving cash assistance, the Department closed Petitioner's FIP benefits effective April 1, 2018, for exceeding the time limits for cash assistance.

Petitioner also exceeds the 48-month limit of state-funded cash assistance. See BEM 234, p 4.

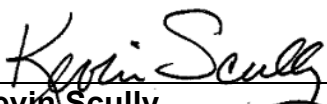
Petitioner disputes the finding that her child is not disabled but did not provide evidence supporting her claim that her child is disabled, exempting her from the cash assistance time limits.

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 Family Independence Program (FIP) benefits for exceeding the federal and state time limits.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/hb

  
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**Kevin Scully**  
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) 763-0155; 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**

Denise Ezell  
3040 W Grand Blvd STE 5-450  
Detroit, MI 48202

Wayne County, DHHS

BSC4 via electronic mail

B. Cabanaw via electronic

**Petitioner**

