



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 15, 2018
MAHS Docket No.: 18-004028
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 June 14, 2018, from Detroit, Michigan. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator.

ISSUE

Did the Department properly deny Petitioner's application for 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. On April 3, 2018, Petitioner submitted an application for FIP benefits.
2. On April 11, 2018, the Department sent Petitioner a Notice of Case Action informing her that her FIP application was denied (Exhibit A).
3. On April 16, 2018, Petitioner submitted a request for hearing disputing the Department's actions.

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 an application for FIP benefits on April 3, 2018. On April 11, 2018, the Department sent Petitioner a Notice of Case Action informing her that her FIP application was denied. The Department testified Petitioner's FIP application was denied because she exceeded the state time limit for FIP benefits.

The FIP program is not an entitlement. BEM 234 (July 2013), p. 1. Michigan operates a single Family Independence Program whose budgeting and accounting methods use both federal and state funds. BEM 234, p. 1. The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. BEM 234, p. 4. Michigan has a 48 month lifetime limit. BEM 234, p. 4. Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. BEM 234, p. 4. A family is ineligible for FIP when a mandatory group member in the program group reaches the 48 month state time limit. BEM 234, p. 1.

The state time limit allows exemption months in which an individual does not receive a count towards the individual's state time limit. BEM 234, p. 4. Effective Oct. 1, 2011, exemption months are months the individual is deferred from PATH for: (i) domestic violence; (ii) age 65 and older; (iii) a verified disability or long-term incapacity lasting longer than 90 days; or (iv) a spouse or parent who provides care for a spouse or child with verified disabilities living in the home. BEM 234, p. 4.

The Department did not provide any evidence that Petitioner had at least 48 countable state-funded FIP payments. The only document produced at the hearing was the April 11, 2018 Notice of Case Action. It is insufficient for the Department to merely state Petitioner exceeded the state time limit. The Department must provide proof of its assertion. Therefore, the Department failed to establish that it acted in accordance with policy when it denied Petitioner's FIP application.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Petitioner's FIP application. Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstatement and reprocess Petitioner's April 3, 2018 FIP application;
2. If Petitioner is eligible for FIP benefits, issue supplements she is entitled to receive but did not as of the date of the application; and
3. Notify Petitioner of its decision in writing.

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) 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

Via Email:

MDHHS-Wayne-49-Hearings
B. Sanborn
B. Cabanaw
BSC4- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]