



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

Date Mailed: January 17, 2020
MOAHR Docket No.: 19-012972
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Amanda M. T. Marler

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 16, 2020 from Detroit, Michigan. The Petitioner was self-represented. The Department of Health and Human Services (Department) was represented by Julie McLaughlin, Family Independence Manager, and Hearings Facilitator, and Lisa Hunter, Family Independence Specialist.

ISSUE

Did the Department properly deny Petitioner's Application for Family Independence Program (FIP) benefits due to meeting the federal time limit?

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 [REDACTED] 2019, the Department received Petitioner's Application for FIP benefits.
2. On October 18, 2019, the Application Interview was completed.
3. On the same day, the caseworker reviewed Petitioner's countable Temporary Assistance to Needy Families (TANF) program months and determined she had already met the limit for the program.
4. On October 21, 2019, the caseworker confirmed with the Policy Department that Petitioner had met the limit for receipt of FIP benefits.

5. On October 23, 2019, the Department issued a Notice of Case Action to Petitioner informing her of denial of FIP benefits effective November 16, 2019 for meeting the federal time limit as a program recipient.
6. On December 2, 2019, the Department received Petitioner's request for hearing disputing the Department's decision to deny her FIP Application.

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 disputes the denial of her Application for FIP benefits due to exceeding the federal time limit and believes that the Department's count of Petitioner's past receipt of benefits is inaccurate.

FIP is a program which is funded primarily by the Temporary Assistance to Needy Families (TANF) program, a program created and monitored by the federal government. BEM 234 (July 2013), p. 1. TANF has a 60-month lifetime limit on assistance for adult-headed families beginning October 1, 1996. *Id.* Each month an individual receives federally funded FIP, the individual receives a count of one month. BEM 234, p. 2. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. *Id.* Since FIP is also funded by State funds and not exclusively by Federal funds, a State FIP lifetime limit is also applied. BEM 234, p. 4. The State lifetime limit is 48 months effective October 1, 1996. *Id.* Each month an individual receives FIP benefits while in Michigan is counted towards the limit, regardless of the funding source. *Id.* A family is ineligible for FIP when a mandatory group member in the program group reaches the 48-month state time limit. *Id.* Any month that is state funded is not a countable month toward the federal time limit count. BEM 234, p. 3. However, months which are federally funded are countable toward the state counter unless a deferral or exemption applies. *Id.*

The Department provided Petitioner's Federal TANF Time Limit counter as part of its evidence. The counter shows that Petitioner has received 62 countable months of FIP benefits. In addition, Petitioner has received an additional 11 months of FIP benefits which were not countable. All FIP benefits were received by Petitioner between

November 2003 and January 2010. Despite the counter, Petitioner is adamant that she did not receive 62 months or approximately five years' worth of FIP benefits because she was working, only received them around the time of the birth of her children, and when she did receive them, only received a small amount. Petitioner's testimony is consistent with the Department's records. A review of Petitioner's Benefit Summary Inquiry shows the months in which she received a FIP benefit. Petitioner's receipt of FIP benefits stops and starts and goes up and down based upon group size and/or income. In some months, she received as much as \$298.50, and in other months, she received as little as \$1.00. Regardless of the amount received, each month Petitioner received a FIP benefit is considered a countable month if she was not eligible for an exemption or deferral. In addition, FIP requires that an individual participate in employment or self-sufficiency related activities in order to become self-supporting. BEM 230A (October 2019), p. 1. Therefore, although Petitioner testified that she was working and could not receive FIP benefits at the same time, her statement is inaccurate.

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 denied Petitioner's FIP Application due to exceeding the Federal Time Limits.

DECISION AND ORDER

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

AMTM/jaf



Amanda M. T. Marler
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS
(via electronic mail)

Jackie Stempel
MDHHS-Muskegon-Hearings
BSC3
B Sanborn
M Schoch

Petitioner
(via first class mail)

