



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: November 9, 2017
MAHS Docket No.: 17-012076
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 October 12, 2017 from Detroit, Michigan. The Petitioner appeared for the hearing with her fiancé [REDACTED] and her fiancé's mother, [REDACTED]. Petitioner represented herself for the hearing. The Department of Health and Human Services (Department) was represented by Tina Reetz, Case Worker and Margaret Smith, General Services Program Manager.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case?

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 was previously deferred from participation in the Partnership. Accountability. Training. Hope. (PATH) program due to a Medical Review Team (MRT)/Disability Determination Service (DDS) finding that she was incapacitated more than 90 days.

3. On or around August 10, 2017 the DDS denied Petitioner's ongoing deferral and determined that she was not disabled, capable of performing other work. (Exhibit A)
4. On August 14, 2017 the Department sent Petitioner a Notice of Case Action advising her that effective September 1, 2017 her FIP case would be closed because she received 60 months or more of benefits, which is the time limit allowed for eligibility. (Exhibit B)
5. On August 24, 2017 Petitioner requested a hearing disputing the closure of 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.

The FIP benefit program is not an entitlement. BEM 234 (July 2013), p. 1. Temporary Assistance to Needy Families (TANF) is the federal grant that funds the majority of FIP benefits issued by the Department. 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 to the federal 60 month time limit 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. The exception continues as: the individual's ongoing FIP EDG reaches 60 TANF federal months and as long as the individual remains eligible for any of the foregoing employment deferral reasons or the client no longer meets other standard eligibility criteria for FIP. The FIP case will close or the application will be denied. BEM 234, p. 2. The federal limit count begins October 1996. BEM 234, p. 1. Any month that an individual's FIP assistance is state funded is not a countable month towards the federal time limit count. BEM 234 at pp. 3-4 outlines the limited number of situations in which a FIP case will be state funded.

At the hearing, the Department provided a Federal TANF Time Limit showing each of the countable months Petitioner received FIP benefits (Exhibit C). The Department testified that it relied on this list to establish that as of August 2007, 73 countable months of FIP benefits were issued to Petitioner during the relevant time period (Exhibit C). A review of the Michigan FIP Time Limit summary and other documentation shows that Petitioner was approved for/receiving FIP benefits in January 2013 and that she was eligible for an exception to the FIP federal time limits, as she was deferred from participation in PATH under the incapacitated to work exemption criteria (Exhibit D). The Department testified that although Petitioner is eligible for an exception to the federal time limit, because the DDS determined that she was no longer eligible for a continued deferral from participation in PATH under the incapacitated to work exemption criteria, Department policy requires that her FIP case be closed.

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 because the ending of Petitioner's deferral resulted in Petitioner's ineligibility for the exception to the federal time limit, the Department acted in accordance with Department policy when it closed Petitioner's FIP case effective September 1, 2017.

DECISION AND ORDER

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

ZB/tlf



Zainab A. Baydoun
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:

MDHHS-Ogemaw-Hearings
BSC1 Hearing Decisions
B. Cabanaw
MAHS

Petitioner – Via First-Class Mail:

