



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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Date Mailed: June 23, 2021
MOAHR Docket No.: 21-002330
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 hearing was held via telephone conference line on June 17, 2021. Petitioner participated and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Mary Strand, manager.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Family Independence Program (FIP) eligibility.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. As of April 2021, Petitioner was an ongoing FIP recipient.
2. On April 30, 2021, MDHHS mailed Petitioner a Notice of Case Action terminating Petitioner's FIP benefit eligibility effective June 2021 due to Petitioner exceeding the state FIP month limit.
3. Through May 2021, Petitioner received 52 months of FIP benefits which included 48 months that Petitioner was not deferred from employment-related activities.

4. On May 10, 2021, Petitioner requested a hearing to dispute the termination of FIP benefits. Petitioner also requested a hearing to dispute a supposed reduction in Food Assistance Program (FAP) eligibility.
5. On June 17, 2021, during an administrative hearing, Petitioner withdrew her dispute over FAP eligibility.

CONCLUSIONS OF LAW

The Food Assistance Program [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. MDHHS administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner requested a hearing, in part, to dispute a reduction in monthly FAP eligibility. Exhibit A, pp. 3-7. Petitioner testified that she was unsure of the reduction amount, but that she previously received \$374 in monthly FAP benefits. After checking a Notice of Case Action dated April 30, 2021, Petitioner realized that it indicated a “decrease” in FAP benefits to \$374. Exhibit A, pp. 17-22. Further, MDHHS responded that Petitioner’s FAP eligibility had not been less than \$374 and, in fact, was recently increased. After consideration, Petitioner withdrew her hearing request concerning FAP benefits. MDHHS had no objections. Concerning FAP benefits, Petitioner’s hearing request will be dismissed.

The Family Independence Program 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. MDHHS 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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner also requested a hearing to dispute a termination of FIP benefits. Exhibit A, pp. 3-7. A Notice of Case Action dated April 30, 2021, stated that Petitioner’s FIP eligibility would end June 2021 due to receiving FIP benefits for the maximum time limit allowed.

The FIP benefit program is not an entitlement. BEM 234 (July 2013), p. 1. Time limits are essential to establishing the temporary nature of aid as well as communicating the FIP philosophy to support a family’s movement to self-sufficiency. *Id.*

Temporary Assistance to Needy Families (aka TANF) is the federal grant that funds the overwhelming majority of FIP assistance issued by MDHHS. *Id.* The Personal

Responsibility and Work Opportunity Reconciliation Act of 1996 established a five-year (60 month) lifetime limit on assistance for adult-headed families. *Id.* The begin date for the federal time limit counter is Oct. 1, 1996. *Id.*, pp. 1-2. In line with the goals of the Family Independence Program, any group that includes an individual who has received 60 months or more of FIP is not eligible for the FIP program. *Id.*, p. 2.

The state time limit reflects the number of remaining months an individual may receive FIP in the state of Michigan. *Id.*, p. 4. Michigan has a 48-month lifetime limit. *Id.* This 48-month lifetime limit is more restrictive than the federal 60-month lifetime limit. *Id.* Each month an individual receives FIP, regardless of the funding source (federal or state), the individual receives a count of one month. *Id.* A family is ineligible for FIP when a mandatory group member in the program group reaches the 48-month state time limit. *Id.*

MDHHS presented a history of Petitioner's countable federal and state FIP months. Exhibit A, pp. 13-15. The documents listed Petitioner as receiving FIP in 52 months. Petitioner was deferred for 4 months for having a child under two months, leaving Petitioner with 48 countable months.

Petitioner contended that the COVID-19 pandemic should factor into her lifetime limit. No known policy or regulation exists to extend the 48-month limit because of the ongoing pandemic.

Petitioner also believed that the 60-month federal limit should apply. As indicated above, Michigan adopted a shorter lifetime limit and all months without a deferral are counted for the state count.

Persons may be deferred from the state count if deferred from employment activities for one of the following: domestic violence, being 65 years or older, having a verified long-term disability, and/or caring for a spouse or child with verified disabilities. *Id.*, p. 4. Petitioner testified that she was diagnosed with depression in the past decade and perhaps was deferred from employment participation. In response, MDHHS credibly testified that applications from Petitioner in 2010 and 2013 both indicated no claim of disability. No other exceptions were applicable.

Based on the evidence, Petitioner met lifetime FIP state limits. The evidence did not establish any exception to continuing FIP benefits despite meeting lifetime limits. Thus, MDHHS properly terminated Petitioner's FIP eligibility.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that Petitioner withdrew the dispute over a reduction of FAP eligibility. Concerning the dispute over FAP eligibility, Petitioner's hearing request is **DISMISSED**.

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly terminated Petitioner's FIP eligibility effective June 2021. The actions taken by MDHHS are **AFFIRMED**.

CG/jm



Christian Gardocki

Administrative Law Judge

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

Via Email:

MDHHS-Oakland-District-IV-Hearings
BSC4-HearingDecisions
M. Holden
D. Sweeney
B. Sanborn
MOAHR

Via Email:

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