



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: March 1, 2023
MOAHR Docket No.: 22-006210
Agency No.: ██████████
Petitioner: ██████████

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 February 2, 2023, from Detroit, Michigan. Petitioner appeared for the hearing with his wife, ██████████ and represented himself. The Department of Health and Human Services (Department) was represented by Lakeyia Johnson, Assistance Payments Specialist.

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 or around ██████████ 2022, Petitioner submitted an application requesting FIP benefits.
2. On or around December 5, 2022, the Department sent Petitioner a Notice of Case Action, advising him that the FIP application was denied because his wife ██████████ ██████████ had received 60 months or more of FIP benefits, which is the time limit allowed for eligibility. The Notice of Case Action advised Petitioner that because a household member had reached the 60-month time limit, the entire group is ineligible for FIP. (Exhibit A, pp. 7-11; Exhibit B)
3. On or around December 20, 2022, Petitioner requested a hearing disputing the Department's actions with respect to the denial of the 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.

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. Each month an individual receives federally funded FIP, the individual receives a count of one month. A family is ineligible when a mandatory member of the FIP group reaches the 60 TANF-funded month federal time limit. BEM 234, pp. 1-2.

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, and at that time, 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 representative testified that although Petitioner may not have received FIP benefits prior to the application, because Petitioner's wife is a mandatory household member, her prior receipt of FIP is applicable to the group. The Department provided a Federal TANF Time Limit showing each of the countable months Petitioner's wife received FIP benefits. (Exhibit A, pp. 12-13; Exhibit B). The Department testified that it relied on this list to establish that as of January 1, 2015, 60 countable months of FIP benefits were issued to Petitioner's wife during the relevant time period. Petitioner's wife did not have an active FIP case as of January 9, 2013, and thus was ineligible for an exception to the federal time limit.

Petitioner testified that he and his wife got married in September 2017 and had no children together prior to that time. Petitioner and his wife argued that Mrs. [REDACTED] time limit counter should not apply to Petitioner and their new children in common, as he did not know her at the time she previously received FIP benefits. Petitioner's wife disputed that she reached the 60-month FIP time limit and asserted that she stopped receiving assistance in 2009. However, the Department presented an eligibility summary verifying the amount of FIP benefits issued and the months of issuance. (Exhibit B). A review of the time limit summaries and eligibility summary provided by the Department shows that although there were some months/periods in which Petitioner's wife did not have an active FIP case and was not receiving assistance, the Department's evidence was sufficient to establish that Petitioner's wife received a total of 60 countable months of FIP benefits as of January 1, 2015. Therefore, because Petitioner's wife is a mandatory member of the FIP group, and the evidence established that she reached the 60-month federal time limit on receipt of FIP benefits, Petitioner and the remaining family members are ineligible for FIP benefits.

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.

DECISION AND ORDER

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

ZB/ml



Zainab A. Baydoun
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 Electronic Mail :

DHHS
Denise McCoggle
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27260 Plymouth Rd
Redford, MI 48239
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Interested Parties
BSC4
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MOAHR

Via First Class Mail :

Petitioner
[REDACTED]
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