



GRETCHEN WHITMER
GOVERNOR

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

MARLON BROWN
DIRECTOR

[REDACTED] MI [REDACTED]

Date Mailed: May 16, 2024
MOAHR Docket No.: 24-002925
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 April 22, 2024. Petitioner appeared and was self-represented. The Department of Health and Human Services (Department) was represented by Menal Alawieh, District Analyst. The hearing was held before Administrative Law Judge (ALJ) Amanda Marler. Because ALJ Marler is unavailable, the undersigned reviewed the record and issued this Hearing Decision in her absence. Mich Admin Code, R 792.10106(7).

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 [REDACTED], 2024, Petitioner applied for FIP. (Exhibit A, pp. 17-24).
2. On February 22, 2024, the Department notified Petitioner that her FIP application was denied due to exceeding the federal time limit. (Exhibit A, pp. 30-36)
3. On March 14, 2024, the Department received Petitioner's hearing request disputing the denial and alleging that she did not receive FIP for all the months alleged by the Department.

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 Department denied Petitioner's FIP application due to Petitioner having exceeded the federal time limit.

For each month an individual receives federally funded FIP after October 1996, the individual receives a count of one month on the TANF-funded month federal time limit. BEM 234 (July 2013), p. 2. Individuals are not eligible for continued FIP benefits once they receive a cumulative total of 60 months of federally funded FIP benefits unless they are eligible for an exception to the federal time limit. BEM 234, pp. 1-2. An exception to the federal 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 PATH program for reasons of 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; MCL 400.57a(4). A FIP case becomes state-funded if the FIP group includes an adult who has accumulated more than 60 months on the federal time limit counter but meets the federal time limit exception criteria. BEM 234, p. 3. Any month that an individual's FIP assistance is state funded is not a countable month toward the federal time limit count. BEM 234, p. 3. Once an individual reaches a FIP time limit and the FIP case closes, the individual is not eligible for FIP if the individual reapplies and meets any exemption criteria. BEM 234, p. 7.

Here, the Michigan FIP time limit counter that the Department presented showing FIP issuances to Petitioner showed that Petitioner received FIP benefits in January 2013 as a mandatory participant who was subject to a disqualification due to non-cooperation with employment and training. Because Petitioner was not exempt from participation in the PATH program for reasons of domestic violence, establishing incapacity, incapacitated more than 90 days, age 65 or older, or caring for a spouse or child with disabilities, Petitioner was not eligible for an exception to the federal time limit. If, as Petitioner argued, she did not receive FIP in 2013, then this would provide an additional basis for Petitioner not being eligible for a federal exception to the federal time limit. Because Petitioner was not eligible to an exception to the federal time limit, Petitioner was not entitled to more than 60 months of federally-funded FIP.

The federal TANF time limit counter the Department presented into evidence showed that Petitioner had 108 countable months of federally funded FIP, substantially in excess of the 60-month limit. Petitioner disputed receiving any FIP benefits after 2009, particularly between 2011 and 2013 and presented several pages from Notices of Case Action she had received showing that her FIP case had closed, or applications had been denied during this period (Exhibit A, pp. 7-13; Exhibit 1). One Notice of Case Action indicated that she was denied FIP for October 2011 ongoing because she had exceeded the federal time limit maximum. However, the *federal* time counter does **not** include any FIP issuances after September 2011. Any FIP issuances to Petitioner after September 2011 were all applied to the *state* time limit, not the federal time limit. The months on the state limit count were not included in calculating the federal limit months. The federal time limit counter shows countable FIP issuances to Petitioner starting in February 1999 and continuing until September 2011. The federal time limit count limited to those FIP issuances for countable months between March 1999 and March 2009, months that Petitioner did not dispute receiving FIP, exceeded 60 months. Further, Petitioner failed to establish that she did not receive FIP for the countable months on the counter between May 2010 and September 2011, which brought her to 108 cumulative months of federally funded FIP benefits. Because the Department established that Petitioner had received more than 60 cumulative months of federally funded FIP, it properly denied her February 2024 FIP application for exceeding the federal time limit for FIP eligibility.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law acted in accordance with Department policy when it denied Petitioner's February 2024 FIP application.

DECISION AND ORDER

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

AE/cc



Alice C. Elkin
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 :

Interested Parties

MDHHS-Wayne-55-Hearings
BSC4-HearingDecisions
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

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