



GRETCHEN WHITMER  
GOVERNOR

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

MARLON BROWN  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: May 16, 2025  
MOAHR Docket No.: 24-013989  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Marya A. Nelson-Davis**

**HEARING DECISION**

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 May 6, 2025, from Lansing, Michigan. [REDACTED], Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Terrel Stevens, Lead Worker, and Khaled Abou-Elazm, Family Independence Manager (FIM).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-25, and Petitioner's documents were admitted as Exhibit 1, pp. 1-21.

**ISSUE**

Did the Department properly determine that Petitioner was no longer eligible for Family Independence Program (FIP) benefits, effective October 2024, because she met the state lifetime limit of 48 countable months for receipt of 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. Petitioner was an active FIP recipient who was deferred from participating in employment-related activities for several months during the period beginning on or about February 2019 through January 2022. (Department Exhibit A, p. 7)
2. On August 30, 2024, the Department issued a Notice of Case Action to Petitioner, advising her that her FIP case was going to close effective October 1, 2024, because she met the 48-month state lifetime limit for receipt of FIP benefits.

3. On October 9, 2024, the Department received Petitioner's request for hearing, contesting the closure of her FIP case.
4. In the Hearing Decision issued on November 26, 2024, Administrative Law Judge (ALJ) Amanda M.T. Marler concluded that the Department failed to establish that it properly closed Petitioner's FIP case effective October 1, 2024, for meeting the 48-month state time limit for FIP benefits and ordered the Department to redetermine Petitioner's FIP eligibility effective October 1, 2024, and issue any FIP supplements that Petitioner was otherwise eligible to receive. (Exhibit A, pp. 5-8)
5. On or about December 4, 2024, the Department determined once again that Petitioner was no longer eligible for FIP benefits effective October 1, 2024, due to meeting the 48-month state lifetime limit for FIP benefits.
6. The Department's BRIDGES computer system shows that Petitioner received 72 months of FIP benefits: there were 9 months of FIP disqualification due to a failure to participate in employment-related activities as required; and there were 33 months where Petitioner was exempted from participating in employment-related activities due to having a disability or severe impairment that met the duration requirement for an exemption (72 months + 9 months – 33 months = 48 months). (Exhibit A, pp. 19 & 20)
7. On December 6, 2024, Petitioner filed a hearing request, contesting the Department's determination that she was no longer eligible for FIP benefits effective October 2024.

### **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 program. 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. BEM 234, p. 1.

In this case, the Department determined that Petitioner was no longer eligible for FIP benefits because she met the 48-month state lifetime limit for FIP benefits effective

October 2024. Petitioner argued that the Department determination is incorrect because the Department counted months when she was disabled and deferred from participating in Partnership. Accountability. Training. Hope. (PATH) program or employment-related activities.

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. The total cumulative months that an individual may receive FIP benefits under the federal lifetime limit is 60 months. Because FIP is also funded by state funds and not exclusively by federal funds, a state FIP time limit is applied. The state lifetime limit was 48 months during an individual's lifetime effective October 1, 1996. Beginning October 1, 1996, each month an individual receives federally funded FIP, the individual receives a count of one month, regardless of the funding source. During the period in question, a family was ineligible for FIP benefits when a mandatory FIP group member reached the 48-month state lifetime limit. Months that are federally funded are countable toward the state counter unless a deferral or exemption applies. Any month that a FIP group has a parent deferred from PATH due to a verified disability or a long-term capacity that has lasted or is expected to last for more than 90 days is not a countable month toward the applicable time limit count. BEM 234, effective July 2013.

Petitioner established that she had a severe impairment that lasted more than 90 days during the period in question. However, Petitioner medical documentation from a qualified medical source confirms that, despite her physical limitations, Petitioner was totally incapacitated and unable to engage in employment-related activities for a duration of two months only, specifically from April 23, 2024, to June 30, 2024. (Petitioner Exhibit 1) Given this medical evidence, Petitioner failed to provide sufficient evidence to rebut the Department's evidence that she was incapable of participating in the PATH program or engaging in employment-related activities for a continuous period exceeding 90 days in any of the months that were counted towards her 48-month lifetime limit for FIP benefits effective October 2024. Therefore, the Department properly determined that Petitioner was no longer eligible for FIP benefits, effective October 2024, because she had reached the 48-month state lifetime limit.

During the hearing, the Department testified that Petitioner is eligible to reapply for FIP benefits due to the recent change in the state lifetime limit for FIP benefits. Effective April 2025, the state lifetime limit was extended from 48 months to 60 months. BEM 234, effective April 1, 2025.

### **DECISION AND ORDER**

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 closed Petitioner's FIP case, effective October 2024, because she met the state lifetime limit of 48 countable months for receipt of FIP benefits.

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

MN-D/pe

A handwritten signature in black ink, reading "Marya A. Nelson-Davis". The signature is written in a cursive, flowing style.

---

**Marya Nelson-Davis**  
Administrative Law Judge  
for Elizabeth Hertel, 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

**Via Electronic Mail:**

**DHHS**  
Vivian Worden  
Macomb County DHHS Mt. Clemens Dist.  
44777 Gratiot  
Clinton Township, MI 48036  
**MDHHS-Macomb-12-**  
**Hearings@michigan.gov**

**Interested Parties**  
BSC4  
B. Sanborn  
MOAHR

**Via First Class Mail:**

**Petitioner**  
[REDACTED]  
[REDACTED]  
[REDACTED] MI [REDACTED]