

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2008-25659

Issue No.: 1022

Case No.:



Load No.:

Hearing Date:

January 29, 2009

St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on January 29, 2009. The Claimant personally appeared and testified.

ISSUE

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant is a FIP recipient. The group size was three (3).
2. On June 17, 2008, the Department sent the Claimant a verification checklist requesting income, medical and Social Security information. (Department exhibits 4).

3. On June 18, 2008, the Claimant, returned some of the requested forms but signed by himself. (Department exhibits 5-9).
4. On June 20, 2008, the Department received information that the biological mother of the Claimant's children was residing in the Claimant's home and receiving unemployment benefits. (Department exhibits 2-3).
5. On June 20, 2008, the Department pended the Claimant's FIP to close due to the addition of the Claimant's children's mother and her income.
6. On June 23, 2008, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Department received information that the Claimant's children's biological mother was living with the Claimant and his children. In addition, it received information that she was receiving unemployment benefits.

At the hearing the Claimant admitted that his children's mother was living in the home with him and his children.

Mandatory Group Members

When cash assistance is requested for a dependent child, all of the following who live together must be in the program group:

Child

Child's legal parent(s).

Child's legal siblings who meet the definition of a dependent child (siblings have at least one common parent).

Legal parent(s) of the siblings.

Child's legal step-parent, even after death of or divorce from a parent.

Child's legal step-siblings, who meet the definition of a dependent child, even after death of or divorce from a parent.

Child's legal child. (PEM 210, p. 3).

Here, the Department is correct in adding the Claimant's children's mother into the Claimant's FIP group, and closing same.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's actions in the instant case.

/s/ _____
Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 5, 2009

Date Mailed: March 9, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

MJB/jlg

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