

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 200931030
Issue No.: 1018; 1022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 26, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon remand Claimant's request for hearing. After due notice, a telephone hearing was held on July 26, 2010. The Claimant appeared along with her daughter, [REDACTED], and both testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Was the Department correct in closing Claimant's FIP benefits?

FINDINGS OF FACT

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

- (1) Claimant has guardianship of her grandchildren [REDACTED] pursuant to a court order from the State of Florida.
- (2) Claimant's grandchildren's legal father [REDACTED], resides with the Claimant.
- (3) [REDACTED] receives \$718 in social security benefits.
- (4) Claimant's FIP benefits were closed on May 27, 2009 due to excess income.

- (5) Claimant requested a hearing on June 8, 2009 contesting the closure of FIP benefits.

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 (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependant Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference manual (PRM).

Department Policy dictates who are required group members. Mandatory FIP EDG Member--When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG, regardless of program request status: • Dependent Child. • Child's legal parent(s). • Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common). • Legal parent(s) of the child's siblings. • Child's legal stepparent, even after death of or divorce from the parent. • Child's legal stepsiblings who meet the definition of a dependent child, even after death of or divorce from the parent. • Child's child. BEM 210

In the present case, Claimant's son, [REDACTED], resides with the Claimant in her basement. Claimant argues that [REDACTED] is not the legal parent of his biological children because she is guardian of the children and has "long-term custody" through the Florida courts. No evidence was presented that [REDACTED] parental rights were terminated. The Department was correct to include [REDACTED] in the household for the purposes of FIP budgeting.

[REDACTED] \$718 income from social security exceeds the \$420 payment standard therefore the closure of FIP benefits for excess income is correct. RFT 210

DECISION AND ORDER

This Administrative Law Judge decides that the Department was correct in the closure of FIP benefits, and it is ORDERED that the Department's decision in this regard be and

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is hereby AFFIRMED.

/s/



Aaron McClintic
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: July 30, 2010

Date Mailed: July 30, 2010

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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

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cc:

