

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No.: 2009-36540

Issue No.: 1018

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

November 2, 2009

Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on November 2, 2009 claimant was present and testified, [REDACTED] [REDACTED] appeared for the department and testified.

ISSUE

Is the department correct in determining claimant's FIP benefits for October 2009?

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 was a FIP recipient.
- (2) On August 29, 2009 a new FIP Budget was completed due to claimant having employment income of \$1574 per month.
- (3) Claimant's Extended FIP benefit was determined to be \$10 per month effective October 1, 2009 due to excess income.

- (4) Claimant requested a hearing on September 3, 2009 contesting the reduction of her 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference manual (PRM).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. PEM 230A.

The payment standard for FIP for a 2 person household is \$403. RFT 210

Families receive EFIP (Extended Family Independence Program) benefits for up to six months, with a grant of \$10, when loss of FIP eligibility relates to excess income from employment of a FIP program group member.

In the present case, claimant began working for the city of Detroit earning \$1574 per month. This amount exceeds the \$403 payment standard for a two person household and thus the department was correct in determining there was excess income. Pursuant to Department policy BEM 519 due to excess income, claimant's benefit in the form of Extended FIP was reduced to \$10 per month.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly determined the Claimant's FIP benefits.

Accordingly, the Department's eligibility determination is AFFIRMED.



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

Date Signed: 11/23/09

Date Mailed: 11/23/09

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 60 days of the filing of the original request.

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.

AM/jlg

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