

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: 2009-37129
Issue No: 1010
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 27, 2009
St. Joseph County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 27, 2009. Claimant personally appeared and testified.

ISSUE

Did the department correctly terminate claimant's Family Independence Program (FIP) benefits in July, 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 when the department terminated her benefits at the end of July, 2009 due to her alleged failure to return verification of employment and school enrollment form.
2. Claimant requested a hearing on September 15, 2009, expressing total confusion about what was happening to her case and why it was closed.

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 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).

Department is represented at this hearing by a manager who is not familiar with the actions taken on claimant's case, and also does not have the same documentation available to him that was provided for this hearing in the hearing file. Claimant's caseworker is not available as she is on medical leave. The Administrative Law Judge reviewed the documentation provided and with the assistance of claimant's testimony and information the manager could find from claimant's case record attempted to determine what happened to claimant's FIP benefits.

Hearing testimony establishes that the claimant has an 11 year old child and a 14 year-old child who is on SSI. Claimant also had an 18 year-old child living with her that was not in school. Claimant was receiving FIP for herself, the 11year-old child and the 18 year-old child, with the SSI child and his income being excluded from the FIP grant. BEM 210. Departmental policy states that 18 year-olds must be in high school full time and expected to graduate by the time they are 20 years of age, or they are not eligible for FIP. BEM 245. Therefore, since the 18 year-old child was not in school, correct action was to remove him from the FIP grant, not terminate FIP benefits for the entire family.

Second issue that appears to have been the basis for the claimant's FIP termination is her failure to verify employment income. Claimant however testified that she was not working in July or August, 2009, and that she started a new job on September 22, 2009. Claimant would therefore not be required to report this change in household income until October 2, 2009, as departmental policy requires reporting of changes within 10 days of the start date of employment. BAM 105. As the claimant was not employed at the time of her FIP case closure, she would not be able to verify income that she did not have, and this would not be acceptable reason to terminate her benefits.

Hearing Summary indicates that the claimant completed new application sometimes after her FIP case closure, and this application was used to reinstate her Food Assistance Program benefits, but not her FIP benefits. Department is in possession of verification of employment form faxed on October 1, 2009, from claimant's current employer. The form verifies that the claimant started her job on September 22, 2009. Department's representative agrees that the department should compute claimant's FIP benefits for August, September and October, 2009, based on household of 2 and no income, and then compute another FIP budget for November, 2009 with claimant's employment income. Claimant is satisfied with this resolution of her issue.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department incorrectly terminated claimant's FIP benefits in July, 2009.

Accordingly, department's action is REVERSED. Department shall:

1. Compute FIP budgets for the claimant for August, September and October, 2009, based on 2 household members (claimant and 11 year old child) and no employment income.

2. Issue the claimant any FIP benefits for these months that she is entitled to but did not receive.
3. Compute a FIP budget for November, 2009 based on claimant's started employment income, and if claimant has excess income for such benefits, determine eligibility for Medicaid programs, including Transitional Medical Assistance (TMA).
4. Notify the claimant of these determinations in writing.

SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 28, 2009

Date Mailed: October 29, 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.

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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