

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. 2009-4593

Issue No. 1018

Case No. [REDACTED]

Load No. [REDACTED]

Hearing Date:

December 17, 2008

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Benmane

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 December 17, 2008. The Claimant personally appeared and testified.

ISSUE

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

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 was an active FIP recipient.
2. On September 24, 2008, the Department received information that the Claimant was receiving unemployment benefits.

3. The Claimant was receiving [REDACTED] per month in unemployment benefits.
4. On October 7, 2008, the Claimant's FIP was closed due to excess income.
5. On November 10, 2008, the Claimant requested 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).

The Claimant's FIP benefits were closed when the Department received notice that the Claimant was receiving unemployment compensation. The Department continued Medical coverage for the Claimant's minor son under "Healthy Kids."

Unemployment benefits include:

Unemployment compensation benefits (UB) available through the Michigan Unemployment Insurance Agency (UIA) and comparable agencies in other states, and...(PEM 500, p. 34).

The calculation for FIP benefits is spelled out in PEM 518 which says in part:

Financial need exists when both of the following are true:

There is at least a \$1 deficit after income is budgeted. (PEM 518, p.2)

In the instant case, the monthly income is [REDACTED]. The FIP monthly Assistance payment standard is [REDACTED], therefore there is no deficit. The Department was correct in closing claimant's FIP due to excess income.

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.

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

Date Signed: _____

Date Mailed: _____

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.

MJB

cc:



Administrative Hearings (2)