

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: 2009-15282
Issue No: 1015
Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 16, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 hearing was held on April 16, 2009. The Claimant personally appeared and testified. A family independence manager and a family independence specialist represented the Department.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failure to attend an initial interview?

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 is a FIP recipient for a group size of nine that include her and eight of her children. Her last monthly benefit allotment was \$182. Her monthly benefit allotment at the time she requested this hearing was \$215.

- (2) Claimant lives with eight of her children. Six of the eight children are in school, three children require car seats and three children receive [REDACTED] benefits. (Exhibits 5-9).
- (3) At the time Claimant requested the hearing, three children -- [REDACTED], [REDACTED] -- received \$179 in [REDACTED] benefits.
- (4) Claimant has previously received court-ordered [REDACTED] for one child, [REDACTED]. In September, October, and November 2008, Claimant received an average monthly [REDACTED] for support of [REDACTED]. (Exhibit 9).
- (5) Claimant does not disagree with the amount of [REDACTED] payments the children received or with the amount of [REDACTED] she received for [REDACTED].
- (6) Claimant's November 2008 budget resulted in a monthly FIP allotment of \$215. (Exhibit 14).
- (7) In addition, in January 2009, her children's [REDACTED] income increased from [REDACTED] monthly for each child to [REDACTED] monthly. As a result of the increased income, Claimant's monthly FIP allotment decreased from \$215 to \$182.
- (8) Claimant informed the Department that the [REDACTED] had been reduced to [REDACTED] some time in March 2009 after receiving the court order on March 16, 2009. (Exhibit 12).
- (9) Claimant disagreed with the Department's calculation of her November 2008 budget on the grounds that (a) it is not sufficient to properly take care of her eight children given their personal care and housing needs, (b) she felt harassed, "cheated and discriminated against" by her caseworker, and (c) her [REDACTED] [REDACTED] was reduced to [REDACTED]

- (10) The Department received Claimant's hearing request on February 25, 2009.
(Exhibit 13).

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).

DEPARTMENT POLICY

All Programs

This item discusses income for:

- Family Independence Program (FIP)
- State Disability Assistance (SDA)
- Refugee Assistance Program (RAP) which if policy differs is divided into:
 - Refugee Assistance Program Cash (RAPC).
 - Refugee Assistance Program Medical (RAPM)
- Child Development and Care (CDC)

Note: Applies to all CDC Income Eligible groups.

- Medicaid (MA) which, if policy differs, is divided into:
 - FIP-related MA
 - SSI-related MA
 - Specific MA categories

- Adult Medical Program (AMP)
- TMA-Plus (TMAP)
- Food Assistance Program (FAP)

The phrase “All Programs” in this item means all the programs listed above.

The group composition and program budgeting items specify whose income to count. The program budgeting items also contain program specific income deductions and disregards.

Income means benefits or payments received by an individual which is measured in money. It includes money an individual owns even if NOT paid directly such as income paid to a representative.

Earned income means income received from another person or organization or from self-employment for duties that were performed for remuneration or profit. Unearned income means all income that is NOT earned income. The item specifies whether the income is earned or unearned.

The amount of income counted may be more than the amount a person actually receives because it is the amount before any deductions including deductions for taxes and garnishments. The amount before any deductions is called the gross amount.

Exception: The amount of self-employment income before any deductions is called total proceeds. The gross amount of self-employment income means the amount after deducting allowable expenses from total proceeds, but before any other deductions. Income remaining after applying the policy in this item is called countable.

Count all income that is NOT specifically excluded. (PEM 500, pg. 1-2).

CHILD SUPPORT

All Programs

Definitions Child support is the money paid by an absent parent(s) for the living expenses of his/her child(ren). Medical, dental, child care and educational expenses may also be covered. Court-ordered child support may be either certified or direct.

Child support is income to the child for whom the support is paid.
(PEM 500, p.9)

**RETIREMENT, SURVIVORS, AND DISABILITY
INSURANCE (RSDI) (AKA SOCIAL SECURITY
BENEFITS)**

All Programs

RSDI is available to retired and disabled persons, their dependents,
and survivors of deceased workers.

Count the gross benefit amount as unearned income. (PEM 500, p.
31)

Under PEM 500, all income that is “NOT specifically excluded” must be considered in
calculating FAP benefits. [REDACTED] is income to the child for whom the support is paid and
[REDACTED] is income to the person for whom it is paid. Therefore, the [REDACTED] and [REDACTED]
income was included in Claimant’s total household income.

In this case, Claimant does not disagree with the amounts the Department budgeted for
[REDACTED] and [REDACTED] for September through November 2008. Claimant contends,
however, that her [REDACTED] was reduced to [REDACTED]. The evidence presented established
that the [REDACTED] ceased in March 2009. The undersigned has reviewed Claimant’s
November 2008 budget and finds it to be correct. Consequently, it is found that the Department
properly calculated Claimant’s budget for November 2009 based on the information available to
the Department at the time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of
law, decides that the Department properly calculated Claimant’s FIP budget for November 2008.

Accordingly, the Department's budget calculation for November 2008 is AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/21/09

Date Mailed: 04/22/09

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 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.

TW/dj

cc:

