

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: 2009-3395

Issue No: 1015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 4, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on May 4, 2009. The Claimant appeared and testified. Delores McGargal, FIM and Fedora Pruitt, FIS appeared on behalf of the Department.

ISSUE

Whether the Department properly terminated the Claimant's extended FIP benefits?

FINDINGS OF FACT

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

1. The Claimant was a FIP recipient.
2. Claimant began working.
3. Claimant was placed on Extended FIP benefits with an award of \$10.00/month.
4. Claimant underwent a six month review in September 2008.

5. Claimant's six month extended FIP period ended November 2008.
6. Claimant's Extended FIP benefits were terminated as of December 2008.
7. On October 24, 2008, the Department received the Claimant's Request for Hearing protesting the termination of the extended 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, formally 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 Family Independence Program (FIP) is temporary assistance to families in need. When the family has successfully gained employment and has income that exceeds the FIP eligibility limit, the department offers Extended FIP (EFIP) to help families transition to self-sufficiency. PEM 519, p. 1. Families receive EFIP for up to six months, with a grant of \$10, when loss of FIP eligibility relates to income from employment of a FIP program group member. Persons in this stage of FIP eligibility are called Extended FIP (EFIP) recipients. EFIP recipients continue to be categorically eligible for other programs such as Medicaid, Child Development and Care (CDC), Direct Support Services (DSS) and energy assistance. Families eligible for Transitional Medicaid (TMA) receive TMA and EFIP simultaneously. Id. EFIP eligibility continues until the end of the six-month EFIP period. PEM 519, p. 4.

In this case, the Claimant had been receiving Extended FIP benefits for the six month period. When the six month period ended, Claimant's FIP benefits were terminated pursuant to PEM 519. The Administrative Law Judge appreciates that it is a struggle for Claimant to make it, however, finds that the Department established that it acted in accordance with departmental policy in ending the Extended FIP payments effective December 2008.

Accordingly, the Department's termination of Extended FIP benefits is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's Extended FIP case after six months.

Accordingly, the Department's Extended FIP termination is AFFIRMED.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 05/06/09

Date Mailed: 05/11/09

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.

2009-3395/JV

JV/dj

Cc:

