

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: 2009-34691
Issue No: 1018; 3002; 6000
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 10, 2009
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 November 10, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly determine that Claimant had excess income for Family Independence Program (FIP) benefits and place her on Extended FIP?
- (2) Claimant had no issue with her Food Assistance Program (FAP) case because her benefits increased.
- (3) Claimant had no valid issue with her Child Development and Care (CDC) case because she was approved for benefits. Claimant's child care provider must request an administrative review of her own circumstances.

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 an ongoing recipient of Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits.
- (2) On May 5, 2009, an annual review was conducted of Claimant's cases. Claimant reported a change of income.
- (3) On June 3, 2009, Claimant was sent a Notice of Case Action (DHS-1605). The notice stated Claimant's Family Independence Program (FIP) benefits would be reduced, the Food Assistance Program (FAP) benefits would be increased, and the Child Development and Care (CDC) benefits would be continued.
- (4) On July 9, 2009, Claimant submitted a request for hearing. In her request for hearing Claimant raised the issues of her Family Independence Program (FIP) benefits being reduced and that her child care provider was no longer eligible for payment.

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).

The only valid issue in this hearing relates to Claimant's income eligibility for Family Independence Program (FIP) benefits. At the time of the annual review Claimant submitted a single pay stub. The Department caseworker used the single pay stub to estimate Claimant's monthly income. During the budgeting process a data entry error was made when the pay was entered into the computer as weekly instead of bi-weekly. There was also an omission of

Claimant's electric expense as part of her shelter expenses. These errors require the budget to be corrected and rerun.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly determine that Claimant had excess income for Family Independence Program (FIP) benefits thus placing her on Extended FIP.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that the Department of Human Services: obtain all necessary financial information and verifications from Claimant; recalculate Claimant's financial eligibility budgets for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits; provide Claimant with notice of the new benefit amounts; and supplement any benefits Claimant was eligible for but did not receive.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: November 23, 2009

Date Mailed: December 15, 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 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.

GFH [REDACTED]

cc:

[REDACTED]