

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.: 2009-5459

Issue No.: 1015

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

January 29, 2008

Kent County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 January 29, 2008. The Claimant personally appeared and testified.

ISSUE

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

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 is a FIP recipient. The group size is seven (7).

2. On November 13, 2008, the Department received information that the Claimant's husband was employed full time. (Department exhibit 3-4).
3. On November 13, 2008, the Department ran a new budget including the new income. (Department exhibit 5-6).
4. On November 13, 2008, the Department sent the Claimant a benefit notice based on the new income information. (Department exhibit 7).
5. On November 21, 2008, the Claimant filed a request for a hearing questioning her FIP allotment.

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). In the instant case the Claimant questions the benefits allowed.

The Department budgeted [REDACTED] per month as income. This figure was based on a calculation of projected income. At the hearing the Claimant stated that the income figures used were inflated above the actual amount earned. Since the company the Claimant's husband is working for is [REDACTED] the undersigned finds this extremely likely.

Past Months

Use actual gross income amounts received for past month benefits, converting to a standard monthly amount, when appropriate. See [Standard Monthly Amount](#) in this item.

Exception: Prospective income **may** be used for past month determinations when:

Income verification was requested and received, and

Payments were received by the client after verifications were submitted, and

There are no known changes in the income being prospected.

Current and Future Months

Prospect income using a “best estimate” of income expected to be received during the month (or already received). Seek input from the client to establish an estimate, whenever possible.

To prospect income, you will need to know:

The type of income and the frequency it is received (e.g., weekly),

The day(s) of the week paid,

The date(s) paid, and

The gross income amount received or expected to be received on each pay date.

(PEM 505, p.2)

The income figures resulted in a budget able income of [REDACTED] per month. The FIP monthly payment standard is [REDACTED] per month. The Department is correct in reducing the FIP grant to [REDACTED] before closing the grant out.

DECISION AND ORDER

The Administrative Law Judge based on the above findings of fact and conclusions of law, AFFRIMS the Department’s actions in the instant case. The Department did agree to accept further income documentation concerning the Claimant’s husband’s income and re-budget accordingly.

