

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 201015959

Issue No: 1010

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 24, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 May 24, 2010.

ISSUE

Did the Department of Human Services (DHS) correctly close claimant's FIP grant for excess income?

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 applied for FIP in Wayne County on October 26, 2009.
- (2) Claimant had been receiving UCB benefits, but those benefits were exhausted.
- (3) Claimant began receiving UCB benefits again during the week ending November 21, 2009.

- (4) While claimant was initially approved for FIP benefits, claimant's new UCB benefits rendered claimant ineligible for FIP benefits due to excess income.
- (5) Claimant was rendered ineligible before she even began receiving FIP benefits.
- (6) Claimant's FIP case was officially closed on January 10, 2010.
- (7) On January 11, 2010, 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

DHS has 45 days with which to process a FIP application. BAM 115. Provided the FIP group meets all eligibility requirements, FIP benefits begin in the pay period during which the application becomes 30 days old. BAM 115.

Claimant applied for FIP benefits on October 26, 2010. Therefore, claimant's FIP application became 30 days old on November 26, 2010. The pay period for this date started on November 15, 2010.

Meanwhile, according to the UCB records, Department Exhibit 2, claimant began receiving UCB benefits during the week ending November 21, 2010. This would mean claimant began receiving these benefits officially beginning November 15, 2010.

Claimant was receiving \$145 a week in UCB benefits, or \$290 bi-weekly. Claimant was awarded a FIP grant of roughly \$246 bi-weekly. As these FIP benefits would have started at the same time claimant was receiving UCB benefits and claimant was receiving more in UCB benefits than FIP benefits, and given that UCB benefits are countable income that count against claimant's FIP grant, claimant essentially became ineligible for FIP at the same time she would have been approved for FIP. BEM 500.

Therefore, based upon the unfortunate timing, there was no week where claimant could have been eligible for a FIP grant. By policy, claimant only became eligible for FIP 30 days after her application, and by that time, claimant was receiving too much in UCB benefits to be eligible for the FIP grant. In order to be eligible for a FIP grant for a short two week period under the circumstances of this case, claimant needed to apply for FIP benefits on October 14, 2009. Thus, even though claimant was eligible for FIP when she applied for FIP, the mandatory delay in FIP benefits proscribed by policy means that claimant was financially ineligible for FIP by the time she could actually be approved for it. Therefore, the Department was correct in closing her FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct to close claimant's FIP case.

Accordingly, the Department's decision in the above stated matter is, hereby,
AFFIRMED.



Robert J. Chavez
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/23/10

Date Mailed: 08/24/10

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.

RJC/dj

cc:

