

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.: 2010-3402
Issue No.: 1015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 22, 2010
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 22, 2010. Claimant appeared and testified; [REDACTED] also testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified.

ISSUE

Whether DHS properly calculated Claimant's Family Independence Program (FIP) benefits beginning 11/2009.

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 FIP recipient.
2. Claimant began employment with Safe Management in 8/2009.

3. DHS budgeted Claimant's 11/2009 FIP benefits based on 8/2009 income verifications from Claimant's employment.
4. Claimant states her 8/2009 is not a fair representation of her monthly employment income because 8/2009 included more employment hours than she typically works.
5. DHS reduced Claimant's FIP benefits from \$353/month to \$124/month due to Claimant's employment income.
6. Claimant submitted a hearing request on 10/1/09 regarding reduction of her 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant disputes how DHS prospected her employment income in calculating her FIP benefits. BEM 505 provides guidance on how income should be calculated, "Use income from the past 60 or 90 days for fluctuating or irregular income, if: the past 30 days is not a good indicator of future income, and the fluctuations of income during the past 60 or 90 days appear to accurately reflect the income that is expected to be received in the benefit month."

In the present case, Claimant and DHS agreed that a 90 day period from 9/2009-11/2009 would be a more accurate reflection of Claimant's income than Claimant's 8/2009 income. It

was agreed that Claimant shall submit income verification from 9/2009 through 11/2009 and DHS shall budget Claimant's FIP benefits based on the yet to be submitted income verifications.

DECISION AND ORDER

Based on agreement of the parties, the actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly calculated Claimant's FIP benefits for 11/2009 and shall recalculate Claimant's 11/2009 and future FIP benefits based on Claimant's average income from 9/2009-11/2009. DHS is to make requests for needed verifications and Claimant is responsible for complying with such requests.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/30/2010

Date Mailed: 4/30/2010

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.

CG/jlg

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