

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: 201045144
Issue No: 1015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 25, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on March 8, 2010. After due notice, a telephone hearing was held on Wednesday, August 25, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) grant amount?

FINDINGS OF FACT

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

1. The Claimant is an ongoing FIP recipient.
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) benefits in the gross monthly amount of [REDACTED]. Department Exhibit 2.
3. The Department completed a FIP budget, and reduced the Claimant's FIP grant to [REDACTED] effective March 1, 2010.
4. The Department received the Claimant's request for a hearing on March 8, 2010, protesting the reduction of his FIP grant.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Claimant is an ongoing FIP recipient as a group of six. The Claimant notified the Department that he would begin receiving RSDI income beginning on January 1, 2010. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) benefits in the gross monthly amount of [REDACTED]. Income from RSDI is the Claimant's only source of income and is considered countable income for FIP budgeting purposes. The FIP monthly assistance payment standard for a group of six is [REDACTED]. The Claimant's FIP grant of [REDACTED] was determined by subtracting his payment standard from his countable income.

The Claimant argued that he receives a RSDI benefit that is less than [REDACTED].

The Department counts the gross RSDI benefit amount, which is a federal benefit administered by the Social Security Administration, as unearned income. BEM 503. The Department determined the gross amount of the Claimant's RSDI benefits by accessing the Social Security Administration's electronic records of the Claimant's monthly gross RSDI amount..

Based on the evidence and testimony available at the hearing, the Department established that it properly determined the Claimant's FIP grant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FIP eligibility.

The Department's FIP eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 10, 2010

Date Mailed: September 13, 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.

KS/vc

cc:

