

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: 2010-53270
Issue No: 1022
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2010
Genesee 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 October 20, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly deny Claimant's application for Family Independence Program (FIP) benefits for her grandson [REDACTED] because [REDACTED] was on his biological mother's Family Independence Program (FIP) case?

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 submitted an application for Family Independence Program (FIP) benefits for her grandson [REDACTED]
- (2) [REDACTED] was on [REDACTED] Family Independence Program (FIP) case at the time.
- (3) On August 23, 2010 Claimant's application was denied. Claimant submitted a request for 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 Program Reference Manual (PRM).

In this case there is no dispute that [REDACTED] was on [REDACTED] Family Independence Program (FIP) case at the time Claimant's application was denied. Claimant subsequently applied again and submitted information on the question of where [REDACTED] actually lived. That application was denied and Claimant has already submitted a request for hearing about that denial. The circumstances of the 2nd denial are not within the jurisdiction of this hearing.

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 222 CONCURRENT RECEIPTS OF BENEFITS

DEPARTMENT POLICY

All Programs

Concurrent receipt of benefits means assistance received from **multiple** programs to cover a person's needs for the same time period. Certain restrictions apply, as specified in this item.

Benefit duplication means assistance received from the **same** (or same **type** of) program to cover a person's needs for the same month. For example, FIP from Michigan and similar benefits from another state's cash assistance program. As specified in the balance of this item, benefit duplication is prohibited **except** for MA and FAP in limited circumstances.

Approval of Claimant's application would have caused Claimant and Delores Campbell to receive Family Independence Program (FIP) benefits for [REDACTED] at the same time. The policy cited above defines that as benefit duplication and states it is prohibited for Family Independence Program (FIP) benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly denied Claimant's application for Family Independence Program (FIP) benefits for her grandson [REDACTED] because [REDACTED] was on his biological mother's Family Independence Program (FIP) case.

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

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

Date Signed: October 27, 2010

Date Mailed: October 29, 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 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.

GFH/ds

cc:

[REDACTED]