

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: 2010-7732
Issue No: 1018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 20, 2010
Kent County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 telephone hearing was held on July 20, 2010. Claimant personally appeared and testified. Claimant speaks [REDACTED] language as she is from [REDACTED], but appeared to understand entire hearing testimony. Claimant had a family friend [REDACTED], present at the hearing to translate for her, but [REDACTED] does not speak [REDACTED] and repeated hearing testimony to the claimant in broken English.

ISSUE

Did the department correctly determined in August, 2009 that the claimant had excess income for Family Independence Program (FIP) benefits?

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 on August 12, 2009. Claimant's household consists of her 16 year old daughter who is pregnant, 10 year old daughter, 8 year old son, 16 year old niece and 19 year old nephew. Claimant was not requesting assistance for the niece and nephew.

2. Department computed a FIP budget using claimant's employment income as verified by the pay stubs she provided. The budget resulted in excess income for FIP.

3. Department sent the claimant a notice on August 19, 2009 denying her FIP application. Claimant requested a hearing on August 28, 2009 saying she is a single mother raising five children and her income can hardly meet her rent and bills.

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 (RFT).

In order for a group to be eligible for FIP they must be in financial need. Need is determined to exist when budgetable income is less than the payment standard established by the department. BEM 515.

Claimant's income as used by the department and derived from the pay stubs she provided to the department was reviewed, and claimant stated it is correct. Department determined that the claimant's net monthly income was \$919 (after deducting allowable expenses). FIP payment standard for 4 people, which would have been the claimant and her 3

children as she did not request assistance for the niece and nephew, is \$597 per month.

Claimant's income therefore exceeded the FIP payment standard. Even if the claimant wanted assistance for 6 people (to include niece and nephew), FIP payment standard would be \$828, still resulting in excess income for FIP.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department correctly determined in August, 2009 that the claimant had excess income for FIP benefits.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/

Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: August 4, 2010

Date Mailed: August 5, 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.

IR/tg

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cc:

