

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.: 201016539

Issue No.: 1015

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 22, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 held on April 22, 2010. The Claimant appeared at the hearing testified. [REDACTED] and [REDACTED] FIM appeared on behalf of the Department.

ISSUE

Did the Department properly determine Claimant's 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 was a recipient of FIP benefits.
2. Pursuant to a redetermination Claimant was asked to submit pay stubs.
3. Claimant has earned employment income of \$754 per month.

4. After receiving pay stubs the Department determined that Claimant's FIP benefit would be reduced to \$48.
5. Claimant requested a hearing on January 14, 2010 contesting the reduction of 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 (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 Dependant 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).

The Family Independence Program (FIP) provides temporary cash assistance to support a family's movement to self-sufficiency. The recipients of FIP engage in employment and self-sufficiency-related activities so they can become self-supporting. Federal and State laws require each work eligible individual (WEI) in the FIP group to participate in the Jobs, Education and Training (JET) Program or other employment-related activities unless temporarily deferred or engaged in activities that meet participation requirements. These clients must participate in employment and/or self-sufficiency related activities to increase their employability and obtain stable employment. BEM 230A.

The Department of Human Services must periodically redetermine an individual's eligibility for active types of assistance. The redetermination process includes thorough review of all eligibility factors. BAM 210


JET is a program administered by the Michigan Department of Labor and Economic Growth (DLEG) through the Michigan Works Agencies (MWAs). The JET program serves employers and job seekers for employers to have skilled workers and job seekers to obtain jobs that provide economic self-sufficiency. BEM 230 A. A mandatory participant in the JET program who fails without good cause to participate in employment activity must be penalized. BEM 233(a). The penalty for the first occurrence of noncompliance in the JET program is a closure for a minimum of three calendar months under the FIP program. BEM 233(a). Good cause is a valid reason for noncompliance with employment related activities. A claim of good cause must be verified and documented for applicants, members, and recipients. BEM Manual Item 230(a), BEM Manual Item 230(b); 7 CFR Parts 272 and 273.

In the present case, pursuant to a redetermination Claimant was asked to submit pay stubs. Claimant's pay stubs from December 2009 showed she earned \$754 per month. After subtracting \$200 for the standard deduction and \$110 for the percentage deduction, Claimant has \$444 net unearned income. The pay standard for a group of 3 persons according to Department policy is \$492. RFT 210 Claimant's deficit amount from the pay standard is \$48. This is the amount determined for Claimant's FIP benefit and it is correct.

Claimant raised issues at hearing with regard to whether a review should have taken place. Department policy dictates that the Department of Human Services must periodically redetermine an individual's eligibility for active types of assistance. The redetermination process includes thorough review of all eligibility factors. BAM 210 This Administrative Law Judge finds that there was nothing improper about the Department performing a redetermination of FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department was correct in the determination of FIP benefits and it is ORDERED that the Department's decision in this regard be and is hereby AFFIRMED.

/s/ 

Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 7, 2010

Date Mailed: May 7, 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.

AM/hw

cc:

