

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.: 2010-32743
Issue No.: 1015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
June 3, 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 Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on June 3, 2010. Claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly issued Claimant's first Family Independence Program benefit based on Claimant's 3/22/10 request date.

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 Family Independence Program (FIP) benefits on 3/22/10.
2. DHS issued Claimant's first FIP benefit for the benefit period of 4/16/10-4/30/10.
3. Claimant submitted a hearing request on 4/28/10 contending that she should have received a FIP payment for 4/1/10-4/15/10.

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).

FIP pay periods are divided into half months, the first pay period being 1st-15th of each month and the second pay period is the 16th-end of the month. Clients receive half of their monthly benefit amount in each FIP benefit pay period. Following an application for FIP benefits, the first benefit issuance may be issued no earlier than the pay period that contains the 30th day following the application date. BAM 400 at 2.

In the present case, Claimant applied for FIP on 3/22/10. The thirtieth day following 3/22/10 is 4/21/10. The pay period containing 4/21/10 is the 4/16/10-4/30/10 pay period. DHS

issued FIP benefits for the 4/16/10-4/30/10 pay period. Claimant is not entitled to a sooner payment. It is found that DHS properly issued Claimant's FIP benefits based on Claimant's 3/22/10 request date for FIP benefits.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly issued Claimant's FIP benefits based on Claimant's 3/22/10 application date.



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

Date Signed: 06/11/2010

Date Mailed: 06/11/2010

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 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/cjp

cc:

