

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: 201048370
Issue No: 2000, 1021
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 16, 2010
Ionia 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 May 27, 2010. After due notice, a telephone hearing was held on Thursday, September 16, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) and Medical Assistance (MA) eligibility?

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 applied for FIP and MA benefits on February 12, 2010, and included her grandson on the application.
2. The Claimant's grandson was already active on another MA benefits case.
3. On May 17, 2010, the Claimant reported to the Department that her grandson's father had moved in to the household.
4. On May 21, 2010, the Department sent the Claimant notice that it would terminate FIP benefits effective July 1, 2010, because no group member is an eligible child and a group member does not meet program requirements.

5. The Claimant's grandson continues to receive MA benefits.
6. The Department received the Claimant's request for a hearing on May 27, 2010, protesting the termination of FIP and MA benefits.

CONCLUSIONS OF LAW

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. 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).

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).

The Claimant applied for FIP and MA benefits on February 12, 2010, and included her grandson on the application. The Claimant's grandson was already active on another MA benefits case. The Department provided verification that the grandson is currently approved for MA benefits on the Claimant's benefits case.

On May 17, 2010, the Claimant reported that the grandson's father was living in the household. On May 21, 2010, the Department sent the Claimant notice that it would terminate FIP benefits effective July 1, 2010, because no group member is an eligible child and a group member does not meet program requirements.

The Department testified that policy requires that income earned by the grandson's father be included in the group's FIP budget. The Department testified that it was unable to complete a FIP budget because its computer system had already terminated FIP benefits for an erroneous reason, which was that not group member is an eligible child. The Department testified that it had been unable to rectify the situation, and that a help ticket has been submitted.

Based on the evidence and testimony available at the hearing, the Department has not established that it properly terminated the Claimant's FIP benefits effective July 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department had failed to establish that it terminated the Claimant's FIP benefits in accordance with policy.

Accordingly, the Department's FIP eligibility determination is REVERSED. It is further ORDERED that the Department shall:

1. Complete the help ticket request submitted by the Department concerning the erroneous termination of FIP benefits within 30 days.
2. Initiate a determination of the Claimant's eligibility for FIP benefits effective July 1, 2010.
3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

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

Date Signed: September 23, 2010

Date Mailed: September 24, 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:

