

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: 2010-53212
Issue No: 1005

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Suzanne L. Morris

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 December 2, 2010. The claimant appeared and provided testimony.

ISSUE

Did the department properly determine the claimant's Family Independence Program group?

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 submitted an application for assistance (DHS-1171) on June 11, 2010.
2. The submitted application shows that the claimant requested food and medical assistance for herself. The cash assistance box was checked, but then a line was drawn through it to cross it out. (Department Exhibit 3)
3. The claimant requested food and cash assistance for her granddaughter, TS. (Department Exhibit 4)
4. The claimant listed employment income from babysitting for 30 hours per week at [REDACTED] per day. (Department Exhibit 10)

5. The claimant's granddaughter, TS, was approved for FIP, with the claimant as an ineligible grantee.
6. The claimant submitted a hearing request on August 19, 2010.

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).

Department policy states:

Group composition is the determination of which individuals living together are included in the FIP eligibility determination group (EDG) and the FIP certified group. To be eligible for FIP, a child must live with a legal parent, stepparent or other qualifying caretaker.

DEFINITIONS

Caretaker

A **caretaker** is a legal parent or stepparent living in the home, or when no legal parent or stepparent lives in the home, another adult who acts as a parent to a dependent child by providing physical care and supervision.

Certified Group

The certified group (CG) means those individuals in the FIP EDG who meet all non-financial FIP eligibility factors. Countable income and assets of certified group members are considered in determining FIP eligibility. Certified group members have a FIP EDG participation status of **Eligible Child** or **Eligible Adult**.

The FIP EDG includes all household members whose information is needed to determine FIP eligibility. Based on

data entered in the system, Bridges determines all of the following:

- Each household member's FIP EDG participation status.
- Which individuals' income and assets are considered.
- Which individuals' needs are considered.
- Which individuals' relationship(s) to other members are considered.

These determinations are made based on the individual's:

- Age.
- School attendance.
- Relationship(s) to other household members.
- Program request status (requesting cash: Y/N).
- Receipt of other program benefits such as SSI, child foster care payments or Independent Living Stipend.

Mandatory FIP EDG Members

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG, regardless of program request status:

- Dependent Child.
- Child's legal parent(s).
- Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common).
- Legal parent(s) of the child's siblings.
- Child's legal stepparent, even after death of or divorce from the parent.
- Child's legal stepsiblings who meet the definition of a dependent child, even after death of or divorce from the parent.
- Child's child.

Bridges uses the ineligible grantee payment standard when the grantee is not a member of the CG. This grantee status includes grantees who are any of the following:

- SSI recipients.
- Non-parent caretakers who are not eligible for cash assistance or choose not to request cash assistance.

- Unrelated caretakers who receive FIP based solely on the presence of a child placed in the home by children's services.
- Recipients of Children's Services Independent Living Stipend.

The claimant is disputing the department's determination that excluded her from the FIP program group for July and August, 2010. The claimant applied for assistance on June 11, 2010. When a client applies for assistance, the specific type of assistance must be indicated for each group member. On the claimant's application, she indicated that she was requesting food and medical assistance for herself. The cash assistance box was checked, but then a line was drawn through it to cross it out. Further, the claimant indicated on the application that she was working as a babysitter 30 hours per week and earning [REDACTED] daily.

The department worker testified that the claimant was processed as an ineligible grantee because the claimant did not request cash assistance for herself, just for her granddaughter. BEM 515 indicates that a caregiver who is not eligible for cash assistance or who chooses not to request cash assistance can be an ineligible grantee to make the program group eligible for FIP benefits.

The claimant's income that was reported on the application would most likely have made her ineligible for FIP benefits. Therefore, when the department processed the application, it made sense that the claimant had decided she did not want to apply for cash assistance for herself. Further, the claimant indicated in the interview that she had been approved for Social Security benefits and would be receiving them soon. The notes from the interview do not show that the claimant indicated that she was requesting cash assistance for herself.

The claimant testified that she did not cross off the cash section of her application. The claimant further testified that she had stopped one of her babysitting jobs on June 28, 2010. However, the claimant never provided verification of any job stop or any income, which was requested on an August 20, 2010 Verification Checklist (DHS-3503).

Thus, the department had no basis to find the claimant had requested cash assistance for herself or to determine the claimant's eligibility for cash assistance.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly determined the claimant's Family Independence Program group.

Accordingly, the department's determination is UPHeld. SO ORDERED.

