

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: 2010-5393

Issue No: 1022; 2015

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 17, 2009

Muskegon County DHS

ADMINISTRATIVE LAW JUDGE: Suzanne L. Keegstra

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 17, 2009. The claimant personally appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Family Independence Program (FIP) and Medical Assistance (MA) benefits in September, 2009 because the claimant had no eligible child group member?

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 began receiving FIP and MA benefits in 2008 because she was pregnant. (Department Exhibit 6).

2. The claimant gave birth to her child on June 12, 2009. Child Protective Services (CPS) removed the child from the claimant's custody at birth due to a previous termination of parental rights.

3. The claimant then had no children in her custody and the department mailed her a Notice of Case Action (DHS-1605) on August 19, 2009 that her MA and FIP would close as of September 1, 2009. (Department Exhibit 10 – 14).

4. The claimant submitted a hearing request on August 24, 2009.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal

regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The claimant's FIP and MA benefits ended because the claimant no longer had any eligible child in her custody. Department policy states:

FIP GROUP COMPOSITION

DEPARTMENT POLICY

FIP

Group composition is the determination of which persons living together are included in the FIP program group and the eligible group. To be eligible for FIP, a child must live with a caretaker.

Groups With No Child

A group may be composed of only adults under specified circumstances. Groups with no eligible child may consist of the following:

- A pregnant woman and her husband.

Note: If the pregnant woman is not a member of the program group (e.g., she is an SSI recipient), her husband is not eligible for FIP.

- The caretaker(s) of a dependent child who would be eligible for FIP except for the child's receipt of SSI.
- A parent(s) or parent and stepparent of a dependent child in out of home foster care due to abuse and/or neglect when there is a plan to return the child to the parent's home. Eligibility based on this policy is allowed for up to one year.

Children's Protective Services (CPS) or the foster care worker will verify that there is a plan for reunification with the parent at application and redetermination. PEM, Item 210, pp. 7-8.

Department policy also lists requirements for an individual to obtain Medical Assistance (MA) benefits. The claimant must have a dependent child or be pregnant to be eligible to receive FIP-related MA. BEM 105. The claimant is not eligible for SSI-related MA as she has not been determined disabled. BEM 105.

While the claimant was pregnant at that time she was approved for MA and FIP. However, once she had the baby, CPS immediately removed the child from the claimant's custody due to a prior termination of parental rights. The claimant does not dispute that this is the case. The claimant also admits that while she is appealing the termination of her parental rights to the latest child, there is no plan for reunification with the child. Therefore, the claimant does not apply for FIP (and therefore, MA) on that basis. BAM 210.

The claimant was previously receiving State Disability Assistance (SDA) because she was working with Michigan Rehabilitative Services. The department testified that they will consider the claimant's eligibility for SDA once she has turned in medical records to establish possible disability or a completed Verification of Vocational Rehabilitation Status (DHS-4698) form. Thus, the claimant is encouraged to follow-through with the process to determine her SDA eligibility.

It is noted that the claimant requested a hearing on the FAP benefits, as well as FIP and MA. However, during the hearing, the claimant indicated that she did not have any issues with the FAP benefits, thus the issue is not address in this decision.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly terminated the claimant's FIP and MA in September, 2009 as she no longer had any eligible dependent.

Accordingly, the department's actions are UPHeld. SO ORDERED.

/s/

Suzanne L. Keegstra
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: February 25, 2010

Date Mailed: March 2, 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.

SLK 

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