

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: 2010-55718
Issue No: 1018
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
November 23, 2010
Ingham County DHS

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 November 23, 2010. The claimant appeared and provided testimony.

ISSUE

Did the department properly place the claimant on an EFIP grant starting September 1, 2010?

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 employment on July 27, 2010. The Verification of Employment (DHS-38) that was received by the department on September 8, 2010, indicated that the claimant would be working 40 hours each week at \$[REDACTED] per hour. (Department Exhibit 3 – 4)
2. The income made the claimant excess income to receive FIP benefits, but the claimant was placed on the EFIP grant beginning September 1, 2010. (Department Exhibit 5)
3. The claimant was mailed a Notice of Case Action (DHS- 1605) on September 24, 2010, informing her of the change. (Department Exhibit 6 – 13)

4. The claimant submitted a hearing request on August 25, 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 indicates that EFIP is intended for families that have successfully gained employment and have excess income for FIP eligibility. BEM 519. The claimant will receive a grant of \$ [REDACTED] for up to six months when the loss of FIP eligibility relates to income from employment of a FIP program group member. BEM 519.

The claimant submitted a Verification of Employment (DHS-38) to the department on September 8, 2010. This document showed the claimant had begun working on July 27, 2010 and was expected to work 40 hours per week at \$ [REDACTED] per hour. As the claimant's income would make her excess income to receive FIP benefits, the claimant then became eligible for only EFIP benefits.

The department staff member testified that the claimant began receiving the EFIP \$ [REDACTED] benefit on September 1, 2010. Although the claimant had begun her employment on July 27, 2010, no documentation of the employment was received until September 8, 2010. Thus, the department made the EFIP grant effective September 1, 2010.

The claimant testified that she lost her job in October, 2010. The claimant further testified that she informed the department of the job stoppage in October, 2010. Once verified, the department will determine any current eligibility for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly placed the claimant on an EFIP grant starting September 1, 2010.

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

