

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: 201117571
Issue No: 1018
Case No: [REDACTED]
HearingDate:
March 6, 2011
Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted on March 16, 2011. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly closed the Claimant's cash assistance ("FIP") case due to income ineligibility.

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's FIP cash assistance case was closed due to excess income.
2. The Claimant is disabled and currently receives \$898.50 in RSDI income. The Claimant lives with her two children.

3. The Department properly determined that the Claimant had excess income when computing the Claimant's FIP cash budget to determine her continued eligibility. Exhibit 1
4. The Department found the Claimant's income to be \$898.50 in RSDI and included 2 of her children in the FIP budget. The Claimant confirmed that the RSDI income was correct at the hearing.
5. The FIP income limit for a group of 3 (the Claimant and 2 of her kids who qualify to be included) is \$492. The Claimant's income exceeds the limit making her ineligible for cash assistance.

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 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").

The eligible group must be in financial need to receive benefits. Need is determined to exist when budgetable income is less than the payment standard established by the department. Program, living arrangement, grantee status and eligible group size are variables that affect the payment standard. BEM 515, p. 1. Specifically, financial need exists when the eligible group passes both the "Deficit Test" and the "Child Support Income Test." To perform the deficit test, subtract the program group's

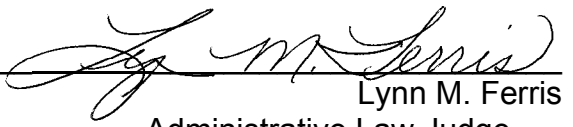
budgetable income from the eligible group's payment standard (BEM 515) for the benefit month. To meet the child support income test, the FIP group's countable income plus the amount of certified support (or amount of support to be certified) must be less than the eligible group's payment standard. BEM 518. In this instance no child support was included in the calculation of budgetable income.

The payment standard for a group of three, such as the instant case, is \$492.00. RFT 210. Claimant's household RSDI income used in the 12/1/10 budget was \$898.50. The Claimant's RSDI income exceeds the payment standard and therefore is ineligible to receive FIP cash assistance. The Department's FIP decision closing the Claimant's FIP case is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FIP case due to excess income which exceeded the payment standard.

Accordingly, the Department's FIP 12/01/10 eligibility determination is AFFIRMED.


Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 03/30/11

Date Mailed: 03/30/11

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.

LMF/dj

cc:

