

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201124628
Issue No.: 1018; 2014
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 14, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 April 14, 2011. Claimant appeared and was represented by his daughter, [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in its decision to terminate Claimant's Medical Assistance (MA) Low Income Family (LIF) case due to excess income?

Was the Department correct in its decision to close Claimant's Cash Assistance/Family Independence Program (FIP) case due to excess income?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant was and ongoing MA-LIF recipient in a household group of four.
2. Claimant applied for FIP on February 2, 2011.
3. Claimant's spouse received [REDACTED] in unemployment benefits every two weeks.

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4. Claimant's MA-LIF case was closed, effective March 1, 2011, due to excess income.
5. Claimant's FIP application was denied due to excess income.
6. Claimant requested a hearing, protesting the negative action.

CONCLUSIONS OF LAW

MEDICAL ASSISTANCE LOW INCOME FAMILY

The Medical Assistance (MA) program is established by the 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 (formerly known as the Family Independence Agency) 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) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT).

Low Income Family Medical Assistance program has an income limit of \$626.00 for a group of four. RFT 243.

In the present case, Claimant's group of four had an income from unemployment of [REDACTED] per month, which income does not exceed the [REDACTED] income limit for a group of four. RFT 243. Therefore, the Department was not correct in closing Claimant's MA-LIF case.

FAMILY INDEPENDENCE PROGRAM

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT).

BEM 515 dictates: The certified 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. BEM 515, p. 1.

The FIP Monthly Assistance Payment Standard for a group size of four is [REDACTED]. RFT 210.

In the present case, Claimant's budgetable income for FIP purposes is figured by multiplying the unemployment received every two weeks ([REDACTED]) by 2.15, resulting in [REDACTED] (BEM 505 p 6-7.) Since Claimant's FIP budgetable income of \$614.90 exceeds the Payment Standard of [REDACTED], the Department was correct in denying Claimant's FIP application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in its decision to deny Claimant's FIP application, but not correct in its decision to close Claimant's MA-LIF case. Therefore, it is ORDERED that the Department's decision is AFFIRMED IN PART AND REVERSED IN PART. It is further ORDERED that Claimant's MA-LIF case shall be reinstated effective March 1, 2011.

[REDACTED]

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 19, 2011

Date Mailed: May 19, 2011

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 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.

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cc: [REDACTED]
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