

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-33390
Issue Nos.: 1018, 2000, 3000
Case No.: [REDACTED]
Hearing Date: June 9, 2011
DHS County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant [REDACTED] request for a hearing. After due notice, a telephone hearing was held on June 9, 2011. Claimant appeared and testified. [REDACTED], appeared and testified on behalf of the Department of Human Services (DHS).

ISSUE

Whether DHS denied Claimant's Family Independence Program (FIP) benefits in accordance with its policies and procedures?

FINDINGS OF FACT

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

1. On February 3, 2011, Claimant applied for FIP benefits with DHS.
2. Claimant's family group consists of herself, one child, and the child's father.
3. Based on the information Claimant provided to DHS, Claimant's earned income is \$899.10 biweekly, and the earned income of her child's father is \$612 for a two-week period.
4. The DHS income limit for a three-person group to qualify for FIP is \$492.
5. On February 26, 2011, DHS denied Claimant's FIP application.

6. On March 25, 2011, Claimant filed a request for a hearing with DHS, stating that she wanted a hearing about FIP, the Food Assistance Program, and Medicaid.
7. At the Administrative Hearing on June 9, 2011, Claimant requested that the Administrative Law Judge dismiss her complaints with regard to Food Assistance and Medicaid.

CONCLUSIONS OF LAW

FIP was established by the U.S. Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 United States Code 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules (MACR) 400.3101-400.3131. DHS' policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables (RFT). These manuals are available online at www.michigan.gov/dhs-manuals.

The Food Assistance Program was established by the Food Stamp Act of 1977 and is implemented by Federal regulations in Title 7 of the Code of Federal Regulations. DHS administers the Food Assistance Program pursuant to MCL 400.10 *et seq.* and MACR 400.3001-400.3015. DHS' policies are found in BAM, BEM and RFT. *Id.*

Medicaid was established by Title XIX of the U.S. Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. DHS administers the Medicaid program pursuant to MCL 400.10 *et seq.* and MCL 400.105. DHS' policies are found in BAM, BEM and RFT. *Id.*

BAM, BEM and RFT are the policies and procedures that DHS officially created for its own use. While the manuals are not laws created by the U.S. Congress or the Michigan Legislature, they constitute legal authority which DHS must follow. It is to the manuals that I look now in order to see what policy applies in this case. After setting forth what the applicable policies are, I will examine whether in fact they were followed in this case.

RFT 210, "FIP Monthly Assistance Payment Standard," is the DHS policy that governs DHS' action in this case. This chart states that the maximum amount of income that a family group of three people can receive in order to qualify for FIP benefits is \$492. RFT 210.

I have reviewed the income information Claimant provided to DHS in support of her application for FIP benefits, and the income information clearly shows that Claimant herself earned more than \$492 in a four-week period. I note further that Claimant's four-week income, for purposes of calculating FIP benefits, would actually be increased

to reflect a full month's income, and the family group also has a second earned income from the child's father.

In conclusion, based on the findings of fact and conclusions of law above, I determine and conclude that Claimant's income exceeds the maximum allowable income according to RFT 210, and DHS correctly denied FIP benefits to her. DHS need take no further action in this case.

In addition, at the request of Claimant, I dismiss the Food Assistance and Medicaid program issues from consideration in this case.

DECISION AND ORDER

Based on the above findings of fact and conclusions of law, the Administrative Law Judge finds that DHS correctly determined that Claimant received more income than she could receive in order to qualify for FIP benefits. The Judge AFFIRMS the actions taken by DHS in this case. DHS need take no further action in this case. In addition, at the request of Claimant, the Food Assistance and Medicaid program issues are hereby DISMISSED from this case.



Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 14, 2011

Date Mailed: June 16, 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.

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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.

JL/pf

cc:

