

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

IN THE MATTER OF:

[REDACTED]

[REDACTED]

[REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) eligibility?

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 was an ongoing Family Independence Program (FIP) recipient until [REDACTED]
2. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED]
3. The Social Security Administration terminated the Claimant's Supplemental Security Income (SSI) benefits as of [REDACTED]
4. Group member [REDACTED] [REDACTED] in the gross monthly amount of [REDACTED]
5. Group member [REDACTED] receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount [REDACTED]
6. Group member [REDACTED] receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount [REDACTED]
7. Group member [REDACTED] receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount [REDACTED]

8. On [REDACTED], the Department notified the Claimant that she was not eligible for Family Independence Program (FIP) benefits as of [REDACTED], due to excess income.
9. The Department received the Claimant's request for a hearing on [REDACTED], protesting the termination of her Family Independence Program (FIP) benefits.

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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Claimant was an ongoing Family Independence Program (FIP) recipient until [REDACTED]. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED]. The Claimant has four children living in her household that are mandatory group members, and each of these children receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of [REDACTED].

The Claimant's FIP group receives a total unearned income in the gross monthly amount of [REDACTED]. The payment standard for a group of five is [REDACTED]. Since the Claimant's countable income is greater than the payment standard, she is not eligible to receive Family Independence Program (FIP) benefits.

Before [REDACTED], the Claimant was a Supplemental Security Income (SSI) recipient, and was therefore considered an ineligible grantee under the Family Independence Program (FIP). As an ineligible grantee, the Claimant's RSDI income was not considered countable income, and her benefits were determined as a group of four. As of [REDACTED], the Social Security Administration reported that the Claimant was receiving an SSI benefit of [REDACTED]. Therefore, the Claimant's RSDI benefits

are now considered countable income for the purposes of determining eligibility for FIP benefits.

The Claimant argued that she does receive Supplemental Security Income (SSI) benefits.

The Claimant has the burden of establishing that she is eligible to receive benefits, but during the hearing she was unable to offer any evidence that she is a SSI recipient.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined that the Claimant's is not eligible for the Family Independence Program (FIP) due to excess income.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Family Independence Program (FIP) eligibility.

The Department's Family Independence Program (FIP) eligibility determination is **AFFIRMED**. It is **SO ORDERED**.

[Redacted signature block]

Date Signed: [Redacted]

Date Mailed: [Redacted]

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 60 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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