

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.: 201114049
Issue No.: 1022; 2000
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 9, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on February 9, 2011. The Claimant appeared and testified. [REDACTED], FIM and [REDACTED], FIS appeared on behalf of the Department.

ISSUE

Was the Department correct in reducing Claimant's FIP benefits and removing Claimant's daughter [REDACTED] from her Medicaid case?

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 an ongoing recipient of FIP benefits.
- (2) The Department reduced Claimant's FIP benefits effective December 21, 2010, due to Claimant's daughter [REDACTED] being removed from the FIP case because she was over 18 and graduated from high school.
- (3) Claimant's daughter, [REDACTED], is over 18 years old and graduated from high school.
- (4) Claimant requested a hearing on December 15, 2010 contesting the reduction of FIP benefits and removal of Claimant's daughter from her Medicaid case.

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 Dependant 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).

Dependent Child A **dependent child** is an unemancipated child who lives with a caretaker and is one of the following: • Under age 18. • Age 18 or 19 and a full-time high school student expected to graduate before age 20. BEM 210.

The AHR or, if none, the client has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. BAM 600.

In the present case, Claimant's daughter turned 18 in November 2008 and she graduated from high school. The Department reduced Claimant's FIP benefits because her daughter was no longer included in the FIP household. BEM 210. This is in accordance with Department policy, and is proper and correct.

Claimant raised issues in the December 2010 request for hearing with regard to her daughter being taken off her Medicaid case in June 2010. This request for hearing is not timely because it is more than 90 days after the Department action. BAM 600. Claimant's request for hearing as it relates to Medicaid is dismissed.

Issues were raised in the request for hearing, and at hearing, regarding Claimant and her son being referred to Work First. There is no allegation of noncompliance at this time so issues with regard to JET participation and are not ripe. If the Department attempts to close Claimant's case for noncompliance with JET, then Claimant has the opportunity to contest that and request another hearing.

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 the reduction of FIP benefits, and it is ORDERED that the Department's decision in this regard be, and is, hereby AFFIRMED.

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Claimant's request for hearing as it relates to Medicaid is DISMISSED.



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

Date Signed: February 17, 2011

Date Mailed: February 17, 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 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.

AM/hw

cc:

