

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

IN THE MATTER OF:
Issue

[REDACTED]

Reg. No.: 201122565
No.: 1017
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 28, 2011
DHS County: Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 28, 2011. Claimant was not present, but was represented by [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in its decision to close Claimant's Family Independence Program (FIP) case due to countable income exceeding the limit?

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 FIP recipient in a household of three persons.
2. Claimant received no income.
3. The Department closed Claimant's FIP case effective February 1, 2011, due to Claimant's group's countable income exceeding the limit.
4. Claimant requested a hearing, protesting the closure.

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 6 01, *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.

In the present case, the Department determined that Claimant received \$540.00 in unearned income and closed Claimant's case due to excess income for the group. However, at the hearing, Claimant's representative, [REDACTED] testified credibly that he had previously given Claimant \$540.00 per month, but two months prior to the date of the closure of Claimant's case, [REDACTED] stopped giving any funds to Claimant due to change in family circumstances. Since Claimant received no income at the time of the closure, the Department was incorrect in closing Claimant's case due to Claimant's group countable income exceeding the limit.

DECISION AND ORDER

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was incorrect in its decision to close Claimant's FIP case, and it is therefore ORDERED that the Department's decision is REVERSED. It is further ORDERED that the Department shall reinstat e Claimant's FIP case, effective February 1, 2011, if Claimant is otherwise eligible, and any missed payments shall be made in the form of a supplement.

/s/ _____
Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 13, 2011

Date Mailed: May 13, 2011

201122565/SCB

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.

SCB/ctl

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