

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201124936  
Issue No.: 1018  
Case No.: [REDACTED]  
Hearing Date: May 12, 2011  
DHS County: WAYNE

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 May 12, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED], Assistance Payments Worker.

**ISSUE**

Was the Department correct in its decision to close Claimant's 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 an ongoing FIP recipient.
- 2.
3. Claimant's God-Daughter, [REDACTED], received [REDACTED] per month child support.
4. Claimant's FIP case was closed, effective December 1, 2010, due to excess income, including child support.

5. On December 20, 2010, Claimant requested a hearing on the closure of the FIP 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 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 one ineligible grantee is [REDACTED] RFT 210.

A child support income test is required only when the group has certified support of more than [REDACTED] (BEM 518, p. 1).

In the present case, the Department failed to submit a budget substantiating its closure based on excess income. Claimant testified credibly that Tiffany Keann Hicks received only [REDACTED] in child support. The Department was therefore not correct in its decision to close Claimant's FIP case.

### **DECISION AND ORDER**

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was not correct 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 reinstate Claimant's FIP case, and if Claimant is otherwise eligible, issue missed or increased payments in the form of a supplement.

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

Date Signed: [Insert.]

Date Mailed: [Insert.]

**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.

SCB/hw

cc:

[Redacted]

Wayne County DHS (19)/ 1843

[Redacted]

Administrative Hearings