

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.: 2011-2690
Issue No.: 1015
Case No.: [REDACTED]
Hearing Date: December 16, 2010
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on December 16, 2010. The claimant appeared and testified; [REDACTED] also appeared and testified on behalf of Claimant. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

Whether DHS properly failed to process a reported decrease in income by Claimant concerning Claimant's Family Independence Program (FIP) benefits.

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 benefits recipient receiving \$267/month in FIP benefits.
2. Claimant's \$267/month FIP benefit issuance was calculated counting Claimant's income from chore services employment of \$370.88/month.
3. In late 7/2010, Claimant reported the termination of her chore services income to DHS.
4. DHS failed to process Claimant's reported decrease in income.

5. On 10/6/10, Claimant requested a hearing disputing her FIP benefit issuance since 8/2010 based on the DHS failure to process her reported stoppage of chore services employment income.

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 (formerly known as the Family Independence Agency) 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) and the Reference Tables Manual (RFT).

For FIP benefits, income decreases that result in a benefit increase must affect the month after the month the change is reported or occurred, whichever is earlier, provided the change is reported timely. BEM 505 at 8. DHS specialists are directed to not process a change for a month earlier than the month the change occurred. Supplements are not issued to correct under-issuances caused by the group's failure to report timely.

In the present case, Claimant contended that she called DHS in 7/2010 to report that her chore services employment income stopped due to the death of the person for which she provided the service. The DHS specialist was unsure that Claimant reported the change in 7/2010. It was more certain that Claimant reported the income change on 8/11/10 when Claimant was interviewed by her DHS specialist and submitted an Assistance Application which did not list any employment income for Claimant. Based on the presented evidence, the undersigned is inclined to find that Claimant contacted DHS in 7/2010 regarding the termination of her CDC income. The Claimant sounded more certain about the reporting than the DHS specialist was about the lack of reporting. Also, the DHS failure to timely process the 8/11/10 change tends to make it more likely that a previous change was also not processed timely. It is found that Claimant reported a decrease in employment income in late 7/2010.

The undersigned does not have any evidence that Claimant's chore services employment income stopped in 7/2010. DHS has yet to attempt to verify the stoppage. The undersigned is not inclined to order DHS to recalculate Claimant's FIP benefits without first verifying the income stoppage. The below order reflects this finding.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS failed to timely process Claimant's 7/2010 reported stoppage in chore services income. DHS shall attempt to verify the stoppage in income through their database, Bridges, or other allowable methods. If the stoppage is verified, DHS shall supplement Claimant for any FIP benefits not received as a result of the their failure to timely process the change. The actions taken by DHS are REVERSED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/21/2010

Date Mailed: 12/21/2010

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.

CG/jlg

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