

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-35829
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: September 7, 2011
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon Claimant's request for a hearing made pursuant to MCL 400.9 and MCL 400.37, which govern the administrative hearing and appeal process. After due notice, a hearing was held in Clinton Township, Michigan on Wednesday, September 7, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department terminated the Claimant's cash assistance because she did not pass the support deficit and income test?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant is a FIP recipient.
2. The Claimant's group size is 3.
3. The Claimant has income from employment in the amount of \$313.00.
4. The Claimant's monthly FIP allotment is \$406.00. (Exhibit 3)
5. On May 9, 2011, the Department performed a central update which showed that the Claimant received certified child support in the monthly amount of \$468.15 for her two children. (Exhibit 1)

6. As a result of the child support exceeding the monthly FIP benefit amount, the Department terminated the Claimant's FIP benefits so that the Claimant could receive the certified child support. (Exhibit 2)
7. On May 9, 2011, the Department notified the Claimant of the determination.
8. On May 13, 2011, the Department received the Claimant's timely written request for hearing. (Exhibit 4)

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 administers the FIP program pursuant to MCL 400.10, *et seq.* and Michigan Administrative Code Rules 400.310 1-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Manual ("RFT").

Financial need must exist to receive benefits. BEM 518. Financial need exists when the certified group passes both the Deficit Test and the Child Support Income Test. BEM 518. All countable earned and unearned income available to the client must be considered in determining the Claimant's eligibility for program benefits. BEM 500. Child support is income to the child for whom the support is paid. BEM 500. Court-ordered child support may be either certified or direct. BEM 500. Certified support payments are made to the Department through the Friend of the Court while direct support means court-ordered child support payments a person receives directly from the absent parent or the Friend of the Court. BEM 500. With limited exceptions not applicable in the record presented, child support income is included in a FIP budget as unearned income. BEM 500. To meet the child support income test, the FIP group's countable income plus the amount of certified support must be less than the certified group's payment standard. BEM 518. The payment standard for an eligible FIP group of 3 is \$492.00. RFT 210.

In this case, the Claimant's certified child support of \$468.15 exceeded the Claimant's grant after wage deduction of \$406.00. Accordingly, the Department terminated the Claimant's FIP case in order that the Claimant would be able to receive the higher monthly amount. Ultimately, the Department established it acted in accordance with Department policy when it terminated the Claimant's FIP case. The Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department acted in accordance with Department policy when it terminated the Claimant's FIP benefits.

2011-35829/CMM

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 13, 2011

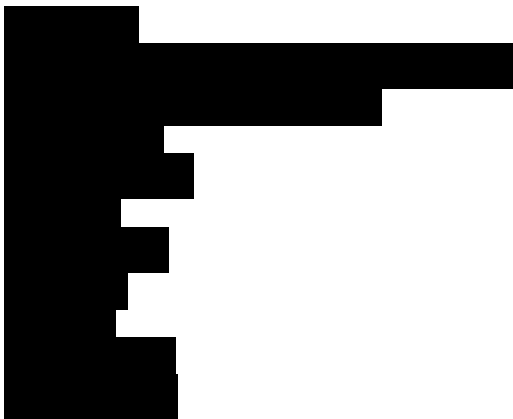
Date Mailed: September 13, 2011

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.

CMM/cl

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