

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201147037

Issue No: 1022

Case No: [REDACTED]

Hearing Date: September 21, 2011

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Christopher S. Saunders

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 September 21, 2011. The claimant appeared and provided testimony.

ISSUE

Did the department properly close the claimant's Family Independence Program (FIP) benefits 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. The claimant was a recipient of FIP benefits.
2. The claimant's completed a review on July 12, 2011 wherein she advised the department that her youngest child was 18 years old and was ½ credit shy of completing high school. (Department Hearing Summary).
3. Based on the information provided at the review, the department sent the claimant a notice of case action (DHS 1605) on July 12, 2011 stating that her FIP case would be closing because there were no longer any minor children in the group and the claimant was not otherwise eligible for FIP benefits. (Department Exhibit 1).
4. The claimant submitted a hearing request July 22, 2011.

CONCLUSIONS OF LAW

As a preliminary matter, the claimant indicated at the hearing that she had requested a hearing regarding her FIP, Food Assistance Program (FAP), and Medical Assistance (MA) program benefits. MAC 400.903 lays out instances where recipients of assistance have a right to an administrative hearing within the Michigan DHS. This rule specifies when an opportunity for a hearing shall be granted:

An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied or is not acted upon with reasonable promptness, and to any recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. MAC 400.903(1).

At the time of the claimant's hearing request, the department had not taken any action to suspend, reduce, discontinue or terminate the claimant's FAP benefits. Furthermore, there was no credible evidence at the hearing that the claimant's MA benefits had been suspended, reduced, or terminated at the time of the hearing request. In fact, the notice of case action pertaining to the claimant's FIP benefits indicates that the claimant was approved for MA benefits as of August 1, 2011 and continuing. Additionally, although the claimant's FAP benefits were changed subsequent to the hearing request, at the time of the request there had been no action taken against them. Therefore, under the administrative rule discussed above, claimant does not have a right to a hearing regarding the MA and FAP benefits and thus, this Administrative Law Judge has no jurisdiction on that matter.

Clients have the right to contest a department decision affecting eligibility for benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department provides an administrative hearing to review the decision and determine its appropriateness. BAM 600.

The regulations that govern the hearing and appeal process for applicants and recipients of public assistance in Michigan are contained in the Michigan Administrative Code (Mich Admin Code) Rules 400.901 through 400.951. An opportunity for a hearing shall be granted to a recipient who is aggrieved by an agency action resulting in suspension, reduction, discontinuance, or termination of assistance. Mich Admin Code 400.903(1).

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 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 Program Reference Manual (PRM).

Regarding the FIP program eligibility, department policy states as follows:

**DEPARTMENT
PHILOSOPHY**

The Department of Human Services (DHS) believes that children are best served by living in supportive family settings. The mutual responsibility of family members for each other and their commitment to caring for each other are key to building strong families. Parents are responsible for the care and support of their minor children. In the absence of parents, children may be cared for by other adults having specific relationships to the children. Spouses are responsible for each other. All needy family members living together are expected to share income, assets, and expenses. BEM 210.

FIP

Group composition is the determination of which individuals living together are included in the FIP eligibility determination group (EDG) and the FIP certified group. To be eligible for FIP, a child must live with a legal parent, stepparent or other qualifying caretaker. BEM 210.

According to department policy, eligibility for the FIP program turns on whether or not a claimant is a parent, stepparent, or qualifying caretaker of an un-emancipated minor. BEM 210. In the case at hand, the claimant testified that she has no children under the age of eighteen and is not the caretaker or guardian of any minor children. Therefore, because the claimant does not meet any of the criteria for FIP benefits, the department properly followed policy and denied his application for FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly denied the claimant's FIP benefits application for failure to meet the eligibility criteria.

Accordingly, the department's actions are **AFFIRMED**. SO ORDERED.

/s/

Christopher S. Saunders
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 30, 2011

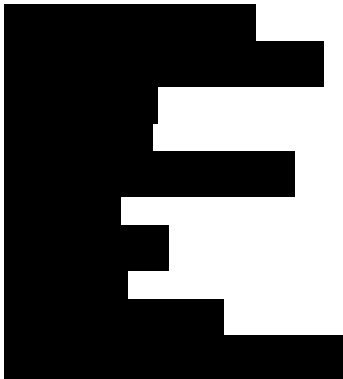
Date Mailed: October 3, 2011

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.

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