

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 20118688
Issue No.: 1015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: February 3, 2011
Wayne County DHS

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 February 4, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by FIM [REDACTED].

ISSUE

Was the Department correct in its calculation of Claimant's Family Independence Program (FIP) grant?

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. On October 12, 2010, the Department notified Claimant that his FIP benefits would be reduced to \$10.00 based on Claimant's income.

3. Claimant's earned income was \$1,323.00 per month.
4. Claimant was in a group of two.
5. On November 3, 2010, Claimant requested a hearing contesting the amount of the FIP grant.

CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. FIP 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), which includes the Reference Tables (RFT).

BEM 518, p. 4 instructs: Subtract \$200.00 from income. Deduct an additional twenty percent from that figure to determine net earned income.

BEM 515 instructs that income is subtracted from the payment standard to determine the grant.

RFT 210 shows an income standard for a group of two to be \$403.00.

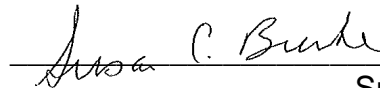
In the present case, the Department correctly subtracted the deductions from Claimant's income of \$1,323.00 to arrive at \$899.00 for the net earned income. The Department correctly used the income standard for a group of two of \$403.00. I therefore find that the Department was correct in its calculation of Claimant's FIP grant.

20118688/SCB

Claimant argues that he cannot make ends meet without additional assistance. This Administrative Law Judge sympathizes with Claimant, but does not have the prerequisite jurisdiction to change or alter department policy and state law at the present time.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was correct in its calculation of Claimant's FIP grant. It is therefore ORDERED that the Department's decision is AFFIRMED.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 14, 2011

Date Mailed: February 14, 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 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 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.

SCB/hw

cc: 

20118688/SCB

