

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.: 2011-9149
Issue No.: 1017
Case No.: [REDACTED]
Hearing Date: January 3, 2011
DHS County: Wayne (82-17)

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 January 11, 2011. Claimant appeared and testified through an interpreter, [REDACTED]. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in its decision denying Claimant's application for 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. On November 4, 2010, Claimant applied for FIP benefits.
2. Claimant was in a group of seven.
3. Claimant's husband receives \$1,101.00 per month in Retirement, Survivors and Disability Income.
4. Claimant's five children receive \$110.00 each per month in RSDI.
5. On November 16, 2010, the Department denied Claimant's application for FIP.

6. On November 22, 2010, Claimant requested a hearing, contesting the denial of FIP benefits.

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 administers FIP pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. 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 Table (RFT.)

BEM states in part,

The department's income budgeting policies are designed to support financial self-sufficiency by encouraging families to pursue all available means of income. BEM 518, p. 1.

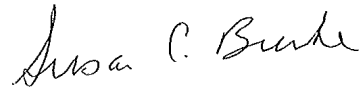
Bridges compares budgetable income for the income month to the certified group's payment standard for the benefit month (found in RFT 210.) The group is ineligible for the benefit month if no deficit exists. BEM 518, p. 2.

Retirement, Survivors and Disability Insurance (RSDI) is a federal benefit administered by the Social Security Administration that is available to retired and disabled individuals, their dependents, and survivors of deceased workers. Bridges counts the gross benefit amount as unearned income. BEM 503, pp. 20, 21.

In the present case, the group income is \$1,651.00, using Claimant's husband's RSDI of \$1,101.00 per month and the five children's RSDI of \$110.00 each per month. The FIP monthly assistance payment standard found for a group of seven is \$905.00. RFT 210. The group's income of \$1,651.00 exceeds the standard of \$905.00 and the Department was, therefore, correct in its denial of Claimant's application for FIP benefits. At the hearing, Claimant did not dispute the amount of income used to calculate eligibility, but she emphasized that she and her family are having great difficulty without additional assistance. While I sympathize with Claimant, Department policy does not afford assistance in this particular manner.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision denying claimant's FIP application was correct and it is ORDERED that the Department's decision is therefore AFFIRMED.



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

Date Signed: January 11, 2011

Date Mailed: January 18, 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.

SCB/pf

cc:

