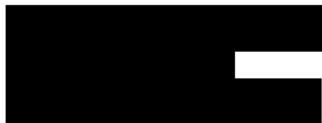


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201215828
Issue No: 1018, 3002
Case No: [REDACTED]
Hearing Date: January 5, 2012
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on November 23, 2011. After due notice, a telephone hearing was held on Thursday, January 5, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility?

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 an ongoing Family Independence Program (FIP) and Food Assistance Program (FAP) recipient.
2. On October 27, 2011, the Department received verification that a member of the Claimant's benefit group started new employment.
3. On October 27, 2011, the Department notified the Claimant that it would reduce her Family Independence Program (FIP) and Food Assistance Program (FAP) benefits as of December 1, 2011.
4. On November 18, 2011, the Department received verification that earned income received by the Claimant's benefit group would be reduced.
5. On November 18, 2011, the Department notified the Claimant that her Food Assistance Program (FAP) benefits would increase as of December 1, 2011.

6. The Claimant's benefit group received earned income in the gross monthly amount of [REDACTED] or November of 2011.
7. The Department received the Claimant's request for a hearing on November 23, 2011, protesting the reduction of her Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

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 (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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp program), is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department), administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. BEM 500.

The Department is required to verify income that decreases or stops when determining eligibility for the Family Independence Program (FIP) and Food Assistance Program (FAP) program. BEM 501.

The Claimant was an ongoing Family Independence Program (FIP) and Food Assistance Program (FAP) recipient. On October 27, 2011, the Department received verification that a member of the Claimant's group started new employment. On October 27, 2011, the Department notified the Claimant that it would reduce her Family Independence Program (FIP) and Food Assistance Program (FAP) benefits as of December 1, 2011, due to increased earned income.

On November 18, 2011, the Department received verification that earned income received by the Claimant's benefit group would be reduced. On November 18, 2011, the Department notified the Claimant that her Food Assistance Program (FAP) benefits would increase as of December 1, 2011.

The Claimant's benefit group received earned income in the gross monthly amount of [REDACTED] for November of 2011. The income limit to be eligible for regular Family Independence Program (FIP) benefits is [REDACTED] RFT 210. Benefit groups that become ineligible for Family Independence Program (FIP) due to new earned employment remain eligible for Extended Family Independence Program (FIP) benefits. BEM 519.

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP) and Family Independence Program (FIP) programs, and properly re-determined the Claimant's eligibility for these programs as she provided the Department with information that affected her eligibility to receive benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility.

The Department's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/

Kevin

Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 12, 2012

Date Mailed: January 13, 2012

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 receipt 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.

KS/jvd

cc:

