

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201213442
Issue No: 1018
Case No: [REDACTED]
Hearing Date: October 24, 2012
Wayne 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 14, 2011. After due notice, a telephone hearing was held on October 24, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) 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) recipient.
2. On September 16, 2011, the Department notified Claimant that Claimant's FIP case would close effective November 1, 2011, because the Claimant had exceeded the lifetime limit on the receipt of FIP assistance.
3. On November 14, 2011, the Department received the Claimant's request for a hearing, protesting the closure of her Family Independence Program (FIP) benefits.
4. The Claimant receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]
5. The Department accepted the Claimant's TC60 application for Family Independence Program (FIP) benefits with a retroactive benefit period.

6. The Department denied the Claimant's TC60 FIP application due to excess income as of September 1, 2012.

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).

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 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 Claimant was an ongoing Family Independence Program (FIP) recipient. On September 16, 2011, the Department notified the Claimant that it would close her Family Independence Program (FIP) case effective November 1, 2011, because the Claimant exceeded the lifetime limit on the receipt of FIP assistance.

The Department accepted the Claimant's TC60 application for Family Independence Program (FIP) benefits with a retroactive benefit period.

The Claimant receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]. The maximum countable income the Claimant to receive FIP benefits is \$ [REDACTED] per month.

The Department denied the Claimant's TC60 FIP application due to excess income as of September 1, 2012.

Based on the evidence and testimony available during the hearing, the Department has established that it properly denied the Claimant's application for Family Independence Program (FIP) benefits due to excess income.

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 application for Family Independence Program (FIP) benefits due to excess income.

The Department's Family Independence Program (FIP) 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: November 1, 2012

Date Mailed: November 1, 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/tb

cc:

