

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201272205
Issue No: 1038
Case No: [REDACTED]
Hearing Date: October 16, 2012
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on October 16, 2012. Claimant appeared and testified. Claimant clarified that her concern was isolated to the size of her Family Independence Program (FIP) group when she was receiving those benefits.

ISSUE

Did the Department of Human Services determine the proper amount of Claimant's Family Independence Program (FIP) benefit?

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 May 21, 2012, Claimant submitted a TC-60 Family Independence Program (FIP) application. Claimant's household consisted of: herself; her [REDACTED] who was under [REDACTED]; and her [REDACTED] who had turned [REDACTED]. Claimant was determined eligible for Family Independence Program (FIP) benefits for a group of two, from March 16, 2012.
2. On July 20, 2012, the Department updated Claimant's Family Independence Program (FIP) financial eligibility budget to include [REDACTED]. Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would close due to excess income.
3. On August 15, 2012, Claimant submitted a request for hearing.

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) and the Program Reference Manual (PRM).

The first question to be addressed is jurisdiction. The July 20, 2012, Notice of Case Action (DHS-1605) gave notice that Claimant's Family Independence Program (FIP) would close August 1, 2012 due to excess income. On the written request for hearing Claimant specified she was requesting a hearing for "household is 3". The issue Claimant identified is the amount of Family Independence Program (FIP) benefit she was found eligible for. Claimant testified that she submitted the application on May 21, 2012. The 90 day time limit identified in Bridges Administration Manual 600, would go back 90 calendar days from the date of Claimant's request, August 15, 2012. The date of first written notice, of Claimant's Family Independence Program (FIP) eligibility determination, would have to be on or after May 17, 2012. Since the application had not even been submitted on that date the notice of eligibility would be within the required 90 days. The issue Claimant raises is a hearable issue.

During the hearing Claimant testified that [REDACTED] turned [REDACTED] on [REDACTED] and was still in [REDACTED] until [REDACTED]. Department of Human Services Bridges Eligibility Manual (BEM) 210 (2011) page 1 includes a [REDACTED] [REDACTED] in the definition of an eligible dependent [REDACTED]. The Department did not present any evidence which showed why Claimant was only approved for a Family Independence Program (FIP) benefit group of 2. The Department did submit evidence of [REDACTED] Claimant received during April and May 2012 which was not included in her Family Independence Program (FIP) financial eligibility budget.

The Department has not met its burden of showing that Claimant's Family Independence Program (FIP) eligibility determination was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department has not met its burden of showing that Claimant's Family Independence Program (FIP) eligibility determination was correct. Therefore, the Department's determination cannot be upheld.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's eligibility for Family Independence Program (FIP) benefits resulting from her TC-60 application be re-determined and notice of the new determination issued to Claimant.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: October 19, 2012

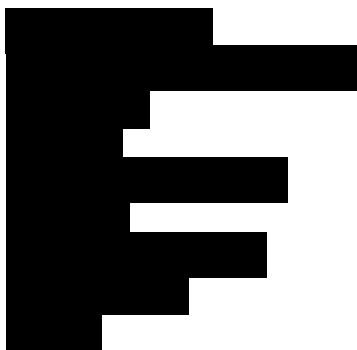
Date Mailed: October 22, 2012

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 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.

GFH/tb

cc:

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