

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

**IN THE MATTER OF:**

████████████████████  
████████████████████  
████████████████████

Reg. No.: 2013-26257  
Issue No.: 1018  
Case No.: ██████████  
Hearing Date: June 17, 2013  
County: Macomb (20)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a hearing was held on June 17, 2013, at Warren, Michigan. Participants on behalf of Claimant included the Claimant, her husband ██████████, and her Authorized Representative, ██████████. Claimant's two daughters, ██████████ and ██████████, were also present. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist.

**ISSUE**

Did the Department properly  deny Claimant's application  close Claimant's case for:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)?    |
| <input type="checkbox"/> Food Assistance Program (FAP)?                | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)?                      | <input type="checkbox"/> Child Development and Care (CDC)?  |

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant  applied for benefits  received benefits for:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP).    |
| <input type="checkbox"/> Food Assistance Program (FAP).                | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input type="checkbox"/> Medical Assistance (MA).                      | <input type="checkbox"/> Child Development and Care (CDC).  |

2. On October 1, 2012, the Department  
 denied Claimant's application       closed Claimant's case  
due to excess income.
3. On September 20, 2012 and again on January 16, 2013, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notice of the       denial.       closure.
4. On January 23, 2013, Claimant filed a hearing request, protesting the  
 denial of the application.       closure of the case.

### **CONCLUSIONS OF LAW**

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the following findings of fact and conclusions of law are entered in this case.

On July 13, 2012, the U.S. Social Security Administration awarded \$1,057 per month retirement benefits to Claimant and her family beginning October 1, 2012. Dept. Exh. 1, pp. 6-7. The increase in the Claimant group's monthly income caused the group's total income to exceed the income limit for receiving FIP benefits. The group's gross income became \$1,057. Dept. Exh. 1, pp. 6-19, 23-26.

The Department has its own policy which states the maximum income that a family of four can receive in order to be qualified for FIP benefits. That income limit is \$597. Based on excess income the Department terminated FIP benefits effective October 1, 2012.

Claimant's family group consists of four people: herself, her husband and their two daughters. Clmt. Exh. B, p. 1. The income limit for a family of four is found in the Department's Reference Table 210, "FIP Monthly Assistance Payment Standard." This is a chart showing the income limits for the various family groups. The income limit for a family group of four is \$597. Department of Human Services Reference Tables (RFT) 210 (2009).

Claimant's gross income of \$1,057 is clearly more than \$597, and the factfinder must uphold the Department's action. However, the Claimant argued at the hearing that

because she did not receive her October RSDI payment until November, the Department should not have terminated her case in October. She also argued that a prior decision regarding her participation in work-readiness appointments, required the Department to continue her benefits regardless of her gross income.

With regard to Claimant's first argument, that the Department should have paid her FIP benefits for October, because she did not actually receive the October RSDI benefit until November, Claimant's argument is erroneous because the Social Security Administration informed Claimant and the Department in advance, in July, 2012, that the October funds were anticipated to arrive in November. Dept. Exh. 1, pp. 6-7. It is found and determined that the Department acted properly in advance of the Social Security announcement. The Department is not required to pay benefits when it anticipates that a customer will have excess income for a particular month, even if the customer may not have the money in hand on the date for which it is provided.

The Claimant's second argument, that a prior decision regarding her FIP benefits causes her to remain eligible in October, is a misreading of the prior decision. The decision relates to participation in work-readiness, and states merely that Claimant shall receive benefits only if she is "otherwise eligible." In this case, Claimant's income is a proper reason for determining that Claimant is no longer eligible for FIP.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department


properly denied Claimant's application       improperly denied Claimant's application  
 properly closed Claimant's case               improperly closed Claimant's case

for:  AMP  FIP  FAP  MA  SDA  CDC.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department  
 did act properly.       did not act properly.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.



**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 18, 2013

Date Mailed: June 18, 2013

**NOTICE:** Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
  - misapplication of manual policy or law in the hearing decision,
  - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant,
  - failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at  
Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

JL/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]