

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-37712
Issue No.: 1015, 1022
Case No.: [REDACTED]
Hearing Date: May 1, 2013
County: Washtenaw (20)

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 telephone hearing was held on [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]
[REDACTED]

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 through [REDACTED].
2. The Claimant received Supplemental Security Income (SSI) benefits from [REDACTED].
3. The Claimant received Family Independence Program (FIP) benefits as a group of two until [REDACTED].
4. The Claimant received Family Independence Program (FIP) benefits as a group of one until [REDACTED].

5. The Department received the Claimant's request for a hearing on [REDACTED], protesting the amount of her Family Independence Program (FIP) grant.

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 Family Independence Program (FIP), Refugee Cash Assistance (RCA) and State Disability Assistance (SDA) are cash assistance programs designed to help individuals and families become self-sufficient. Department of Human Services Bridges Eligibility Manual (BEM) 209 (November 1, 2012), p 1.

A FIP EDG member, who receives SSI, has a FIP EDG participation status of Other Adult or Other Child. The income, assets and needs of an SSI recipient are not considered in determining eligibility for the FIP EDG. However, their relationships to other EDG members are considered. Department of Human Services Bridges Eligibility Manual (BEM) 210 (January 1, 2013), p 6.

In this case, the Claimant was an ongoing Family Independence Program (FIP) recipient through April 30, 2013. The Claimant received Supplemental Security Income (SSI) benefits from December 1, 2012, through March 31, 2013. The Claimant received Family Independence Program (FIP) benefits as a group of two until December 31, 2012. The Claimant received Family Independence Program (FIP) benefits as a group of one until April 30, 2013.

For each of the months from December 1, 2013, through March 31, 2013, the Claimant received the maximum Family Independence Program (FIP) grant allowable by policy. The reduction of benefits that the Claimant is protesting was caused by the change of her Family Independence Program (FIP) group size.

When the Claimant started receiving Supplemental Security Income (SSI) benefits, the Department removed her from the Family Independence Program (FIP) benefit group. With a group size of one, the size of the Family Independence Program (FIP) grant was reduced.

The Department's representative testified that on April 9, 2013, the Claimant was sent notice that she had been found to be noncompliant with the Partnership Accountability Training Hope (PATH) program. The Claimant's request for a hearing was received by the Department on March 27, 2013. Actions taken by the Department after the

Claimant requested hearings are not relevant to the issue of whether the Department properly determined the Claimant's Family Independence Program (FIP) eligibility through [REDACTED]

Based on the evidence and testimony available during the hearing, the Department has established that it properly determined the Claimant's Family Independence Program (FIP) group size, and properly excluded the Claimant from that group while she was receiving Supplemental Security Income (SSI) benefits. Therefore, the Department properly determined the Claimant's Family Independence Program (FIP) grant.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined the Claimant's Family Independence Program (FIP) benefit group size and grant size.

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: 05/07/2013

Date Mailed: 05/07/2013

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:

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- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the 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

KS/kl

cc:

