

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-38383
Issue No.: 1021
Case No.: ██████████
Hearing Date: July 11, 2013
County: Oakland (04)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 July 11, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████ Jobs, Education, and Training ("JET") Case Manager.

ISSUE

Did the Department properly calculate Claimant's Family Independence Program (FIP) benefits from December 2012 through February 2013?

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 was an ongoing recipient of FIP benefits.
2. Claimant was part of a household that included her grandson who was under 18 years of age.
3. Claimant is the caretaker and/or has legal guardianship of her grandson.
4. In February or March of 2012, Claimant reported to the Department income from new employment; however, Claimant never requested to be removed from the FIP certified group (CG).

5. Effective May 1, 2012 through February 28, 2013, the Department recalculated Claimant's FIP budget for a group size of two (Claimant and her grandchild) due to the reported income.
6. Claimant's FIP benefits were reduced from \$403 to \$19 effective May 1, 2012 through February 28, 2013. Exhibit 1.
7. On February 27, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP benefits were approved in the amount of \$79 for a group size of one effective March 16, 2013 through March 31, 2013. Exhibit 1.
8. On February 27, 2013, the Notice of Case Action also notified her that her FIP benefits were approved in the amount of \$158 for a group size of one effective April 1, 2013, ongoing. Exhibit 1.
9. On March 28, 2013, Claimant filed a hearing request, protesting her FIP benefits. Exhibit 1.

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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In this case, Claimant was an ongoing recipient of FIP benefits. Effective May 1, 2012 through February 28, 2013, the Department recalculated Claimant's FIP budget for a group size of two (Claimant and her grandchild) due to the reported income. Claimant's FIP benefits were reduced from \$403 to \$19 effective May 1, 2012 through February 28, 2013. Exhibit 1. Claimant is the caretaker of her grandson and both are certified group (CG) members. See BEM 515 (November 2012), p. 1.

Regarding grantee status, the Department uses the eligible grantee payment standard for both of the following: the grantee is a member of the CG (eligibility determination group (EDG) participation status of eligible adult) or the group is participating in the Kinship Care Pilot. BEM 515, p. 2.

Additionally, the Department uses the ineligible grantee payment standard when the grantee is not a member of the CG. BEM 515, p. 2. This grantee status includes grantees who are any of the following: SSI recipients; *non-parent caretakers who are not eligible for cash assistance or choose not to request cash assistance*; unrelated

caretakers who receive FIP based solely on the presence of a child placed in the home by children's services; or recipients of Children's Services Independent Living Stipend. BEM 515, p. 2; emphasis added.

An ineligible grantee payment standard for a group size one is \$158. RFT 210 (January 2009), p. 1.

At the hearing, Claimant was disputing that she should have been receiving \$158 in FIP benefits instead of \$19. In February or March of 2012, Claimant testified that she reported new employment income to the Department. Claimant testified that she did not request to be removed from the FIP group at that time. Claimant testified that she did not know of such policy and that the Department should have been accountable for the error. See Exhibit 1, Hearing Request.

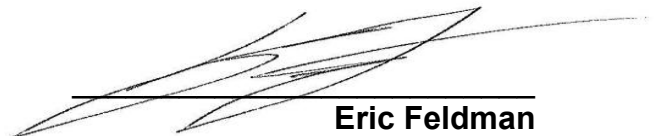
Based on the foregoing information and evidence, the Department properly calculated Claimant's FIP benefits in the amount of \$19. BEM 515 states that the Department uses the ineligible grantee payment standard when the grantee is not a member of the CG. BEM 515, p. 2. Moreover, BEM 515 states that the grantee status includes grantees who are non-parent caretakers who *choose not to request cash assistance*. BEM 515, p. 2. Claimant never requested to the Department that she be removed from the FIP certified group. Claimant only reported her income change and it is her obligation to report to the Department that she should be considered an ineligible grantee. BEM 515, pp. 2-3. Therefore, the Department acted in accordance with Department policy when Claimant remained as an eligible grantee for FIP benefits through February 2013.

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 properly calculated Claimant's FIP benefits in the amount of \$19 through February 2013.

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

It is SO ORDERED.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 30, 2013

Date Mailed: July 30, 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

EJF/cl

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