

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-39121
Issue No.: 1022, 1027
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: SSPC-WEST

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]. Participants on behalf of Department of Human Services (Department) included [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 applied for Family Independence Program (FIP) benefits on [REDACTED].
2. The Claimant is the legal guardian of a minor child.
3. The Claimant reported having an account at [REDACTED] Bank with a balance of [REDACTED].
4. On [REDACTED], the Department denied the Claimant's application for Family Independence Program (FIP) benefits due to excess assets.
5. The Department received the Claimant's request for a hearing on [REDACTED], protesting the denial of her Family Independence Program (FIP) application.

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).

Group composition is the determination of which individuals living together are included in the FIP program group. The group must include a dependent child who lives with a legal parent, stepparent, or other qualifying caretaker. A caretaker is a legal parent or stepparent living in the home, or when no legal parent or stepparent lives in the home, another adult who acts as a parent to a dependent child by providing physical care and supervision. Department of Human Services Bridges Eligibility Manual (BEM) 210 (January 1, 2013), p 1.

Countable assets cannot exceed the applicable asset limit. Department of Human Services Bridges Eligibility Manual (BEM) 400 (May 1, 2013), p 1. The countable value of a cash asset is the amount of the money in the account. BEM 400, p 12. The asset limit to receive Family Independence Program (FIP) benefits is \$3,000 for cash.

In this case, the Claimant submitted an application for Family Independence Program (FIP) benefits on March 18, 2013. The Claimant is the legal guardian of a minor child. The Claimant reported having an account at Fifth Third Bank with a balance of \$8,000. On March 26, 2013, the Department denied the Claimant's application for Family Independence Program (FIP) benefits due to excess assets.

The Claimant argued that she applied to the Family Independence Program (FIP) for the benefit of the child she cares for, and that her assets should be considered when determining this child's eligibility for benefits.

Department policy requires that the Claimant be included in the benefit group as the caretaker of a minor child for whom benefits have been requested. The Claimant's bank account at Fifth Third Bank is considered a countable asset when determining eligibility for this group.

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 based on the countable assets of mandatory members of the benefit group.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's Family Independence Program (FIP) eligibility.

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:
 - 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.

2013-39121/KS

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:

