

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201342249
Issue No: 1022
Case No: [REDACTED]
Hearing Date: August 15, 2013
DHS SSPC WEST

ADMINISTRATIVE LAW JUDGE: Suzanne D. Sonneborn

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 received by the Department of Human Services (department) on April 15, 2013. After due notice, a telephone hearing was held on August 15, 2013. Claimant appeared by three-way conference call and provided testimony. The department was represented by [REDACTED] an eligibility specialist with the department's Self Service Processing Center West office.

ISSUE

Whether the department properly determined Claimant's eligibility for Family Independence Program (FIP) benefits?

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 December 7, 2012, Claimant applied for FIP benefits for herself and her grandson.
2. On January 18, 2013, the department mailed Claimant a Notice of Case Action (DHS 1605) advising her that her application for FIP benefits had been denied for the reason that her grandson is active on Claimant's daughter's FIP benefits case. (Department Exhibits 1, 2)
3. On April 11, 2013, Claimant submitted a hearing request, protesting the department's January 18, 2013 denial of her application for FIP benefits.

CONCLUSIONS OF LAW

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. Department of Human Services Bridges Administrative Manual (BAM) 600 (2011), p. 1. The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in sections 400.901 to 400.951 of the Michigan Administrative Code (Mich Admin Code). An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. Mich Admin Code R 400.903(1).

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

The FIP benefit program is not an entitlement. BEM 234. Time limits are essential to establishing the temporary nature of aid as well as communicating the FIP philosophy to support a family's movement to self-sufficiency. BEM 234. Effective October 1, 2011, BEM 234 restricts the total cumulative months that an individual may receive FIP benefits to a lifetime limit of 48 months for state-funded FIP cases and 60 months for those cases funded by federal Temporary Assistance for Needy Families (TANF) funds. Notwithstanding the 48-month lifetime limit for state-funded FIP cases, a family is not eligible to receive FIP assistance beyond 60 consecutive or non-consecutive TANF months. BEM 234. Federally-funded TANF countable months began to accrue for FIP on October 1, 1996. BEM 234.

Moreover, to be eligible for FIP benefits, the group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. BEM 210.

In this case, because Claimant's grandson was active on Claimant's daughter's FIP benefits case at the time of Claimant's application for FIP benefits, the department determined that Claimant was not eligible for FIP benefits.

At the August 15, 2013 hearing, Claimant testified that her grandson has been living with her since October 2012 but she acknowledged that had instructed her daughter to remove him from her FIP case, however Claimant believes that her daughter continues to receive FIP benefits on her grandson's behalf. Indeed, the department's records indicate that Claimant's grandson received FIP benefits on Claimant's daughter's FIP benefits case as recently as February 2013.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine.

Dep't of Community Health , 274 Mich App at 372; *People v Terry* , 224 Mich App 447, 452; 569 NW2d 641 (1997).

This Administrative Law Judge has carefully considered and weighed the testimony and other evidence in the record and finds that, based on the competent, material, and substantial evidence presented during the August 15, 2013 hearing, the department acted in accordance with policy in denying Claimant's December 7, 2012 application for FIP benefits for the reason that Claimant's grandson is active on Claimant's daughter's FIP benefits case.

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 denying Claimant's December 7, 2012 application for FIP benefits for the reason that Claimant's grandson is active on Claimant's daughter's FIP benefits case. Accordingly, the Department's decision is **UPHELD**.

It is **SO ORDERED**.

/s/

Suzanne D. Sonneborn
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 16, 2013

NOTICE: Michigan Administrative Hearings 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 Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal this Order to Circuit Court within 30 days of the receipt of the 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 errors, or other obvious errors in the hearing decision that effect the substantial rights of 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 System
Recons ideration/Rehearing Request
P.O. Box 30639
Lansing, MI 48909-07322

SDS/hj

cc:

