

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-013952
Issue No.: 1001, 3008
Case No.: [REDACTED]
Hearing Date: November 18, 2014
County: Kent-District 1

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on November 18, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], and [REDACTED].

ISSUE

Did the Department properly determine the Claimant's eligibility for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

1. The Claimant is an ongoing Family Independence Program (FIP) and Food Assistance Program (FAP) recipient as a group of two.
2. The Claimant receives monthly earned income from employment in the gross monthly amount of \$ [REDACTED].
3. The Claimant's son receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED].
4. On September 30, 2014, the Department notified the Claimant that it would reduce his monthly Family Independence Program (FIP) benefits to \$ [REDACTED] and reduce his monthly Food Assistance Program (FAP) benefits to \$ [REDACTED] effective October 1, 2014.
5. On October 7, 2014, the Department received the Claimant's request for a hearing protesting the reduction of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The Claimant is an ongoing Food Assistance Program (FAP) recipient as a group of two. The Claimant receives monthly earned income from employment in the gross monthly amount of \$788. The Claimant's son, the other member of the Claimant's benefit group, receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED]. The Claimant's adjusted gross income of \$[REDACTED] was determined by reducing his earned income by the 20% earned income deduction and the standard \$[REDACTED] deduction.

It was not discussed during the hearing, but the Claimant's monthly shelter expenses exceed the limit allowed by BEM 556 and he is limited to a \$[REDACTED] shelter deduction, the maximum allowed for non-disabled food assistance recipients.

The Claimant's net income of \$[REDACTED] was determined by subtracting the \$[REDACTED] maximum shelter deduction from his adjusted gross income. A group of two with a net income of \$[REDACTED] is entitled to a \$[REDACTED] monthly Food Assistance Program (FAP) benefit.

The Claimant is an ongoing Family Independence Program (FIP) recipient as a group of two. The Claimant receives earned income in the gross monthly amount of \$[REDACTED] and his son receives Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$[REDACTED]. The Claimant's total income countable towards FIP benefits after the earned income deductions are applied is \$[REDACTED] which exceeds the \$[REDACTED] limit for a group of two to receive Family Independence Program (FIP) benefits.

When a family has successfully gained employment and has income that exceeds the FIP eligibility limit, the Department offers Extended FIP (EFIP) to help families transition to self-sufficiency. Families receive EFIP for up to six months, with a grant of \$[REDACTED] when loss of FIP eligibility relates to income from employment of a FIP program group member. Department of Human Services Bridges Eligibility Manual (BEM) 519 (July 1, 2013), p 1.

The Claimant argued that his son's Retirement, Survivors, and Disability Insurance (RSDI) benefits should not be countable income towards his family's eligibility for benefits. The Claimant testified that these benefits go to his son's mother as the payee for his son and they are not available to him.

Income paid to an individual acting as a representative for another individual is not the representative's income. The income is the other individual's income. Common representatives include:


- Legal guardians.
- Court-appointed conservators.
- Minor children's parents.
- Representative payees. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2014), p 6.

It is not disputed that the son's Retirement, Survivors, and Disability Insurance (RSDI) income is not available to the Claimant, but Department policy considers this income to be countable towards the group's monthly gross income.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it determined the Claimant's eligibility for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/1/2014**

Date Mailed: **12/1/2014**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The party requesting a rehearing or reconsideration must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

cc:

