

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-16667  
Issue No(s): 1001  
Case No.: [REDACTED]  
Hearing Date: February 19, 2014  
County: Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 February 19, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED] Case Manager, and [REDACTED] Family Independence Manager. [REDACTED] Language Link, provided interpretation services.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case due to income in excess of program limits?

**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 a recipient of FIP benefits.
2. On November 4, 2013, a Notice of Case Action was issued to Claimant stating the FIP case would close effective December 1, 2013 because the family's income including child support exceeds their needs based on cash assistance standards.
3. On December 2, 2013, Claimant filed a request for hearing contesting the Department's action.

**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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

FIP is temporary cash assistance to support a family's movement to self-sufficiency. BEM 230A.

Financial need for FIP exists if: 1) there is at least a \$10 deficit after income is budgeted in the issuance deficit test, and 2) the group passes the child support income test. If the group fails either test, the group is ineligible for assistance. BEM 518.

A child support income test is required only when the group has certified support of more than \$█. Bridges automatically completes a child support income test whenever a deficit test is required and whenever a change in the amount of certified support is expected to continue. BEM 518.

To complete a child support income test, the group's total voluntary/direct support amounts are added to the gross monthly certified amount (for applicants, this includes the amount to be certified). BEM 518.

Up to \$50 from this amount is excluded. The result is added to the group's net earned and other unearned income. Any support paid for persons not in the home is deducted from this total. The resulting amount is compared to the eligible group's payment standard. If the result is equal to or greater than the certified group's payment standard the group is not eligible for assistance. BEM 518.

For Claimant's group size, two eligible grantees, the FIP monthly assistance payment standard is \$█ RFT 210.

In this case, updated information regarding Claimant's child support was reported to the Department on November 4, 2013. The automated system report documented child support of \$█ or greater each month for the two children from August 2013 through November 2013. (Exhibit A, pages 4-6) After excluding \$█ the remaining monthly child support of \$█ or greater exceeded the payment standard of \$█ for the group. Accordingly, on November 4, 2013, a Notice of Case Action was issued to Claimant stating the FIP case would close effective December 1, 2013 because the family's income including child support exceeds their needs based on cash assistance standards.

Claimant submitted child support check stubs and testified there have been changes with the child support as well as her employment and income. The two December 2013 check stubs showed child support totaling \$█ (Exhibit 1, pages 2-3) The one January 2014 check stub showed child support of \$█ (Exhibit 1, page 1)

The evidence establishes that at the time the November 4, 2013 Notice of Case Action was issued, the monthly child support was \$ [REDACTED] or greater. Further, Claimant's check stubs show the monthly child support remained over \$ [REDACTED] for December 2013. Even after excluding \$ [REDACTED] the remaining monthly child support of \$ [REDACTED] or greater exceeded the payment standard of \$ [REDACTED] for the group. Therefore, the Department properly determined Claimant's FIP group was no longer eligible for assistance and closed the FIP case effective December 1, 2013.

The Claimant may wish to reapply for FIP and provide verification of the more recent decrease in child support and changes in employment 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 closed Claimant's FIP case effective December 1, 2013 due to income in excess of program limits.

### **DECISION AND ORDER**

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



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Colleen Lack  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 12, 2014

Date Mailed: March 12, 2014

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted 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.

201416667/CL

The Department, AHR or the claimant 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 the hearing decision is mailed.

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

CL/hj

cc:

