

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-011294
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: August 20, 2015
County: WAYNE-DISTRICT 15

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on August 20, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Assistance Payments Worker.

ISSUE

Did the Department properly effectuate FIP cash assistance Payments in accordance with Department policy?

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 applied for FIP for her granddaughter as an ineligible grantee on [REDACTED]. Exhibit 1
2. The Department issued a Notice of Case Action on [REDACTED], approving the Claimant's FIP application effective [REDACTED].
3. The Claimant requested a hearing on [REDACTED] seeking a determination as to whether FIP benefits were properly made by the Department beginning [REDACTED].

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

In this case, the Claimant requested a hearing regarding whether the Department properly paid out FIP benefits for her granddaughter based upon her FIP application date of May 5, 2015. The Claimant applied for FIP on May 5, 2015 requesting FIP as an ineligible grantee for her granddaughter. The Department began FIP benefit payments for the period June 1, 2015. FIP benefits are paid bi monthly in two week periods. Department policy defines these periods as:

Pay Period (or Payment Period)

The half-month that a warrant/benefit covers. A pay period is either the first through the 15th day **or** the 16th through the last day of the month. BEM 400 (July 1, 2015) p. 1.

Payment (PA) Effective Date

The first day of the pay period (1st or 16th of the month) for which benefits will be paid. BEM 400, p. 2

Guidance as to when FIP benefits start is found in Department policy which dictates when benefits can start after application approval:

FIP and SDA Only

Provided the group meets all eligibility requirements, begin assistance in the pay period in which the application becomes 30 days old. BAM 115 (July 1, 2015) p. 25

At opening, the group is eligible for benefits **no earlier** than the pay period in which the application becomes 30 days old; see BAM 115, Application Processing. Bam 400 (July 1, 2015), p. 2.

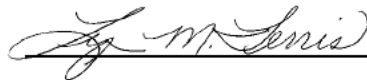
Based upon the above policy, the Claimant's FIP benefits could begin no earlier than [REDACTED]. The Claimant's application date was [REDACTED], thus the FIP application became 30 days old on [REDACTED]. Based upon the above policy, the first pay period the Claimant was eligible to receive FIP benefits was for the pay period [REDACTED], and thus the Department properly started FIP benefits as of [REDACTED]. To the extent the undersigned suggested FIP benefit payments might have been required to start earlier, and that a FIP supplement might be owed, was found to be incorrect after a review of the relevant policy referenced above. Thus it is determined that no supplement is required as the Department properly followed FIP benefit payment begin date based upon Department policy found in BAM 400 which governs this issue.

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 began FIP benefit payments for the period [REDACTED] ongoing.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **8/25/2015**

Date Mailed: **8/25/2015**

LMF / hw

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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 48909-8139

cc:

