



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: June 15, 2016
MAHS Docket No.: 16-004990
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

HEARING DECISION

Following Petitioner'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 May 25, 2016, from Lansing, Michigan. Petitioner appeared and testified through American Sign Language interpreter [REDACTED] Family Independence Manager [REDACTED] and JET worker [REDACTED] appeared for the Department and testified. Department's Exhibit A, pages 1-29 was admitted into evidence. During this hearing it was determined that there was no negative action taken on Petitioner's Food Assistance Program (FAP) during the jurisdictional time period. The Food Assistance Program (FAP) portion of this hearing is dismissed.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) beginning April 1, 2016?

FINDINGS OF FACT

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

1. Petitioner was an ongoing recipient of Family Independence Program (FIP) benefits. Petitioner received both Retirement Survivor Disability Income (RSDI) and Supplemental Security Income (SSI) benefits. Petitioner's gross income was over the income limit for Family Independence Program (FIP) but she was eligible because she received Supplemental Security Income (SSI).
2. On April 1, 2015, Petitioner's Supplemental Security Income (SSI) eligibility ended.

3. On March 18, 2016, the Department was re-determining Petitioner's Family Independence Program (FIP) eligibility and discovered that she was no longer eligible for Supplemental Security Income (SSI). Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would end on April 1, 2016.
4. On April 11, 2016, Petitioner submitted a hearing request.

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.

Bridges Eligibility Manual (BEM) 210 FIP Group Composition (1-1-2016) at page 8, states:

SSI Recipients

A FIP EDG member, who receives SSI, has a FIP EDG participation status of Other Adult or Other Child. The income, assets and needs of an SSI recipient are not considered in determining eligibility for the FIP EDG. However, their relationships to other EDG members are considered.

Petitioner does not dispute that she receives more Retirement Survivor Disability Income benefits than the Family Independence Program (FIP) standard. The evidence in the record shows that Petitioner is no longer "eligible" for SSI benefits. Therefore Petitioner's RSDI income is now considered in determining Family Independence Program (FIP) eligibility.

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 Petitioner's Family Independence Program (FIP) beginning April 1, 2016.

DECISION AND ORDER

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

GH/nr



Gary Heisler
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

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

DHHS

[REDACTED]

Petitioner

[REDACTED]