



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: October 14, 2016
MAHS Docket No.: 16-013122
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 October 11, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] appeared, testified and was represented by her Authorized Hearing Representative (AHR) [REDACTED]. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED] and Family Independence Specialist, [REDACTED].

PROCEDURAL HISTORY

The record closed at the conclusion of the hearing. The following documents were offered and admitted into evidence.

Department: A--Work Number verification of employment.
B--August 23, 2016, Notice of Case Action.
C--Case Comments, SOLQ, unearned income budget summary, FIP budgets.
D--August 9, 2016, Notice of Case Action.

Petitioner: None.

ISSUE

Did the Department properly take action to reduce the Petitioner's Family Independence Program (FIP) monthly 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 Petitioner was an ongoing recipient of monthly FIP benefits in the amount of \$ [REDACTED]
2. On September 2, 2016, the Petitioner's daughter turned 18 and therefore, the Petitioner's daughter's unearned income became countable in the FIP budget.
3. On August 23, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that her monthly FIP benefit was be reduced to \$ [REDACTED]
4. On September 6, 2016, the Department received the Petitioner's AHR's hearing request protesting the Department's determination.

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.

Additionally, BEM 505 (216) p. 1, provides that a group's benefits for a month are based, in part, on a prospective income determination. A best estimate of income expected to be received by the group during a specific month is determined and used in the budget computation. A group's benefits for a month are based, in part, on a prospective income determination. A best estimate of income expected to be received by the group during a specific month is determined and used in the budget computation.

BEM 501 (2016) p. 2, provides that, for FIP, Bridges disregards the earnings of an individual who is **all** of the following:

- Under age 18.
- Attending elementary, middle or high school including attending classes to obtain a GED.
- Living with someone who provides care or supervision.

In this case, the Petitioner expressed that she was confused because her benefits were reduced after her income was reduced. The Department explained it was because that the Petitioner's daughter turned 18 making the Petitioner's daughter's income countable in the FIP budget. It was not contested that the Petitioner's daughter turned 18, thereby making her income comparable in the FIP budget. During the hearing it was also not contested that the Petitioner's daughter has income in the monthly amount of \$ [REDACTED]. As such, this Administrative Law Judge concludes that the evidence in the record establishes that the Department properly determined the Petitioner's monthly FIP allotment to be \$ [REDACTED].

DECISION AND ORDER

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 took action to reduce the Petitioner's FIP benefits.

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



SH/nr

Susanne E. Harris
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]

Authorized Hearing Rep.

[REDACTED]