



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 17, 2016
MAHS Docket No.: 16-006094
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 June 8, 2016, from Lansing, Michigan. [REDACTED], the Petitioner, appeared on his own behalf. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Worker.

During the hearing proceedings, the Department's Hearing Summary Packet was admitted as Exhibit A, pp. 1-232.

ISSUE

Did the Department properly close Petitioner's cash assistance case due to income in excess of Family Independence Program (FIP) 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. Petitioner was a recipient of State Disability Assistance (SDA) cash assistance benefits.
2. Petitioner's SDA case was due for a medical review in November 2015. (Exhibit A, p. 9)

3. On or about November 23, 2015, Petitioner's cash assistance changed to the Family Independence Program (FIP) based on his girlfriend and her children moving into the home. (Exhibit A, p. 4)
4. On February 18, 2016, the Department's Medical Review Team denied ongoing disability for Petitioner for SDA and for the Partnership, Accountability, Training and Hope (PATH) participation required for FIP. (Exhibit A, pp. 9-15)
5. On or about February 22, 2016, the Department determined Petitioner's FIP case would close due to income in excess of program limits based on verification obtained regarding Petitioner's girlfriend's income. (Exhibit A, p. 4)
6. Petitioner does not contest that the group is over the income limit for FIP. (Petitioner Testimony)
7. On April 28, 2016, Petitioner filed a hearing request contesting the denial of disability for SDA. (Exhibit A, p. 2-3; Petitioner Testimony)

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.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-.119b. The Department of Health and Human Services (formerly known as the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Petitioner was a recipient of State Disability Assistance (SDA) cash assistance benefits. Petitioner's SDA case was due for a medical review in November 2015. (Exhibit A, p. 9)

However, on or about November 23, 2015, Petitioner's cash assistance changed to the Family Independence Program (FIP) based on his girlfriend and her children moving into the home. (Exhibit A, p. 4) The Assistance Payments Worker explained that this change from SDA to FIP was required based on the children living in the home. (Assistance Payments Worker Testimony)

On February 18, 2016, the Department's Medical Review Team denied ongoing disability for Petitioner for SDA and for the PATH participation required for FIP. (Exhibit A, pp. 9-15) However, the Medical Review Team determination was not the basis for the closure of Petitioner's cash assistance.

Rather, on or about February 22, 2016, the Department determined Petitioner's FIP case would close due to income in excess of program limits based on verification obtained regarding Petitioner's girlfriend's income. (Exhibit A, p. 4) Petitioner does not contest that the group is over the income limit for FIP. (Petitioner Testimony)

Petitioner explained that he filed a hearing request contesting the denial of disability for SDA. Petitioner is concerned about having to go through the disability process again incase his girlfriend decides to move out with the children. (Exhibit A, p. 2-3; Petitioner Testimony) However, there is no jurisdiction to make any finding of disability for a future time period incase Petitioner's girlfriend moves out. Further, the basis for the closure of cash assistance was unrelated to the Medical Review Team determination regarding disability.


Ultimately, it was uncontested that Petitioner's FIP group exceeded the income limits for that program. Accordingly, the closure of the cash assistance benefits based on income in excess of program limits is upheld.

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 cash assistance case due to income in excess of FIP program limits.

DECISION AND ORDER

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

CL/mc



Colleen Lack
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]