



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: March 21, 2017  
MAHS Docket No.: 17-001451  
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 March 9, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Family Independence Specialist [REDACTED] [REDACTED] and Family Independence Manager [REDACTED] [REDACTED].

### **ISSUE**

Did the Department properly determine Petitioner's Family Independence Program (FIP) eligibility on January 23, 2017?

### **FINDINGS OF FACT**

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

1. On January 10, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) benefit group was eligible for Family Independence Program (FIP) benefits. The benefit group consisted of: Petitioner; [REDACTED] [REDACTED] Petitioner's domestic partner; and Petitioner's three grandchildren, [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]. Petitioner receives a [REDACTED] monthly payment for [REDACTED] under a Guardianship Assistance Agreement.
2. On January 23, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated the Family Independence Program (FIP) would close beginning March 1, 2017.

3. On February 2, 2017, 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 provides:

#### Mandatory FIP EDG Members

When cash assistance is requested for a dependent child, or a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG:

Dependent child.

Child's legal parent(s).

Child's legal siblings who meet the definition of a dependent child (siblings have at least one legal parent in common).

Legal parent(s) of the child's siblings.

Child's legal stepparent, even after death of or divorce from the parent.

Child's legal stepsiblings, who meet the definition of a dependent child, even after death of or divorce from the parent.

Child's child.

Since all three of Petitioner's grandchildren have the same father, [REDACTED] [REDACTED] all three are mandatory FIP group members.

Bridges Eligibility Manual (BEM) 503 Income, Unearned provides that Guardianship Assistance Program payments are counted as unearned income for FIP, SDA, RCA, CDC, and FAP. In accordance with BEM 503, the \$ [REDACTED] monthly payment is included in the groups' Family Independence Program (FIP) financial eligibility budget.

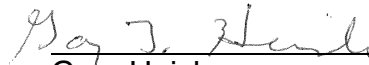
Reference Table (RFT) 210 FIP Monthly Assistance Payment Standard shows that a FIP group of three with an ineligible grantee has a monthly payment standard of \$ [REDACTED]. The \$ [REDACTED] monthly payment for [REDACTED] makes the group ineligible for Family Independence Program (FIP) due to excess 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 determined Petitioner's Family Independence Program (FIP) eligibility on January 23, 2017.

**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]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**Petitioner**

[REDACTED]