



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: August 18, 2017
MAHS Docket No.: 17-008249
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on August 16, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED], Family Independence Specialist, and [REDACTED] Family Independence Manager.

ISSUE

Did the Department of Health and Human Services (Department) properly determined Petitioner's eligibility for Family Independence Program (FIP) 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. Petitioner is an ongoing Family Independence Program (FIP) recipient.
2. On May 12, 2017, the Department notified petitioner that she was approved for Family Independence Program (FIP) benefits as a group of three in the monthly amount of \$ [REDACTED] effective June 1, 2017. Exhibit A, pp 1-3.
3. Petitioner has certified child support in the monthly amount of \$ [REDACTED] for two children in June of 2017. Exhibit A, pp 4-7.
4. The Petitioner receives monthly child support in the gross monthly amount of \$ [REDACTED] for two children in June of 2017. Exhibit A, pp 4-7.

5. On June 19, 2017, the Department received Petitioner's request for a hearing.

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.

Certified support is court-ordered child support that the Michigan State Distribution Unit (MiSDU) forwards to MDHHS when FIP is approved for child. Department of Health and Human Services Bridges Policy Glossary (BPG) (July 1, 2017), p 1.

The Department will use the average of child support payments received in the past three calendar months, unless changes are expected. Department of Health and Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2016), p 5.

A child support income test is required only when the group has certified support of more than \$ [REDACTED]. The Department compares the approved ongoing FIP grant amount to the reimbursement and certified support when it is recorded in the MiSDU. FIP cases that close due to child support exceeding the FIP grant are reported to the worker to record the direct support in Bridges that will now be decertified. Department of Health and Human Services Bridges Eligibility Manual (BEM) 518 (October 1, 2015), p 4.

Petitioner was approved for a monthly FIP grant of \$ [REDACTED] effective June 1, 2017. In June of 2017, Petitioner has certified child support totaling [REDACTED] for both of her children. In June of 2017, Petitioner has a prospective court ordered child support in the gross monthly amount of \$ [REDACTED] which was determined by taking the three month average of the her court ordered child support as directed by BEM 505.

The record evidence supports a finding that Petitioner's court ordered child support exceeded her FIP grant in June of 2017.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined Petitioner's eligibility for Family Independence Program (FIP) benefits as of June 1, 2017.

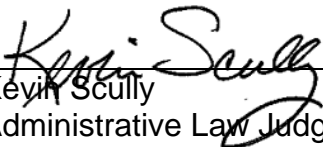
DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

Initiate a determination of the Petitioner's eligibility for Family Independence Program (FIP) benefits effective June 1, 2017, in accordance with policy with adequate notice to Petitioner describing the Department's revised eligibility determination.

KS/nr



Kevin Scully
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]

[REDACTED]

Petitioner

[REDACTED]