



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 20, 2019
MOAHR Docket No.: 19-006719
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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; 42 CFR 438.400 to 438.424; 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 August 8, 2019, from Detroit, Michigan. Petitioner represented himself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Assistance Payments Supervisor.

ISSUE

Did the Department properly deny Petitioner's application 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. On May 17, 2019, Petitioner applied for FIP benefits.
2. On May 21, 2019, the Department sent Petitioner a Verification Checklist (VCL) requesting that he return proof of income, housing expense and school attendance for household members.
3. Petitioner submitted requested items on May 31, 2019 and June 20, 2019.
4. Petitioner has a household which includes two adults and five children.
5. One of Petitioner's children receives SSI and therefore was excluded as a group member for purposes of FIP eligibility.

6. On June 24, 2019, Petitioner was verbally told that his application for FIP was denied.
7. On June 24, 2019, Petitioner filed a Request for Hearing disputing the Department's actions.
8. On June 25, 2019, the Department sent Petitioner a Notice of Case Action which notified Petitioner that his application for FIP benefits had been denied due to excess income.

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.

In this case, Petitioner filed a Request for Hearing because he disagreed with the Department's decision to exclude his SSI recipient daughter as a group member in determining the group's eligibility for FIP benefits. The Department testified that it was required to exclude Petitioner's daughter from the group size and that with or without the exclusion, Petitioner's household income excluded the allowable income limit.

The Department properly excluded Petitioner's daughter who receives SSI as a group member. In accordance with policy, 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. BEM 210 (April 2019), p. 8. As such, Petitioner's group size is six for the purposes of determining FIP eligibility.

Petitioner and his wife are employed at [REDACTED]. The May 2019 paychecks submitted by Petitioner revealed the following:

| Petitioner's income | Petitioner's wife's income |
|------------------------------|----------------------------|
| May 4, 2019 - \$ [REDACTED] | May 18, 2019 - [REDACTED] |
| May 12, 2019 - \$ [REDACTED] | May 25, 2019 - [REDACTED] |
| May 18, 2019 - \$ [REDACTED] | |
| May 25, 2019 - \$ [REDACTED] | |
| May 31, 2019 - \$ [REDACTED] | |

Petitioner submitted an application for FIP benefits on May 17, 2019. A review of the application revealed that Petitioner indicated under the employment section, that he worked at [REDACTED] earning \$ [REDACTED] per hour and worked 40 hours per week. The VCL specifically requested that Petitioner verify this information. The documents provided at the hearing did not include verification of this income.

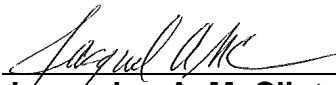
Under Department policy, if neither the client nor the local office can obtain verification despite a reasonable effort, the Department is to use the best available information. If no evidence is available, the Department is required to use its best judgment. BAM 130 (April 2017), p. 3. In this case, the best available information is the information Petitioner provided at application, which was submitted approximately one month prior to the Notice of Case Action which notified Petitioner of the denial of benefits. There was no indication that Petitioner lost this employment between the date of application and denial. The income limit for a group size of six is \$828.00 per month. RFT (April 2017), p. 1. Petitioner's monthly income with [REDACTED] is approximately \$ [REDACTED].00. Because Petitioner's household income exceeded \$828.00, the Department properly denied Petitioner's application for FIP benefits.

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 denied Petitioner's May 17, 2019 application for FIP benefits.

DECISION AND ORDER

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

JAM/tlf



Jacquelyn A. McClinton
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Via Email:

[REDACTED]

Petitioner – Via First-Class Mail:

[REDACTED]