



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: January 17, 2018
MAHS Docket No.: 17-013883
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 December 19, 2017, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Keri Johnson, Case Manager, and Beck Fraser, Family Independence Manager.

ISSUE

Did the Department of Health and Human Services (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 [REDACTED], 2017, the Department received Petitioner's application for Family Independence Program (FIP) benefits. Exhibit A, pp 2-34.
2. On September 19, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) with a September 29, 2017, due date. Exhibit A, pp 35-36.
3. Petitioner received paychecks in the gross weekly amounts of \$154.66 on 9/20/2017, and \$332.03, on 9/27/2017, and \$253.94, on 10/4/2017, and \$171.19 on 10/11/2017. Exhibit A, p 37.
4. On October 13, 2017, the Department notified Petitioner that she was not eligible for Family Independence Program (FIP) benefits. Exhibit A, pp 53-57.

5. On October 16, 2017, the Department received Petitioner's request for a hearing protesting the denial of cash assistance (Family Independence Program (FIP) or State Disability Assistance (SDA)). Exhibit A, pp 58-59.

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.

All earned and unearned income available is countable unless excluded by policy. Earned income means income received from another person or organization or from self-employment for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (January 1, 2016).

All income is converted to a standard monthly amount. If the client is paid weekly, the Department multiplies the average weekly amount by 4.3. If the client is paid every other week, the Department multiplies the average bi-weekly amount by 2.15. Department of Human Services Bridges Eligibility Manual (BEM) 505 (July 1, 2014), pp 7-8.

The income limit for a group of three to receive Family Independence Program (FIP) benefits is \$492. Department of Health and Human Services Reference Table Manual (RFT) 210 (April 1, 2017), p 1.

On September 9, 2017, the Department received Petitioner's application for cash assistance (FIP or SDA). The Department received copies of Petitioner's earned income over a 30-day period showing that she received earned income in the gross weekly amounts of \$154.66 on 9/20/2017, and \$332.03, on 9/27/2017, and \$253.94, on 10/4/2017, and \$171.19 on 10/11/2017. The evidence supports a finding that Petitioner's prospective gross monthly income exceeds the monthly \$492 income limit

for a group of three. Therefore, on October 13, 2017, the Department notified Petitioner that she was not eligible for cash assistance.

Petitioner testified that her employer was reducing the number of hours she was working,

However, the best information available at the time Petitioner applied for assistance verifies that she was not eligible for cash assistance. As her circumstances change, Petitioner may become eligible for assistance in the future.

Petitioner testified that she was required to attend the Partnership. Accountability. Training. Hope. (PATH) as a condition of cash assistance that she would eventually be found ineligible for.

The Department was acting in accordance with policy when it assigned Petitioner to the PATH program as a Work Eligible Individual. Petitioner is not entitled to benefits that she is ineligible for despite the fact that she participated in the PATH program.

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 application for Family Independence Program (FIP) or State Disability Assistance (SDA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

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

Theresa Ergang
121 Franklin SE
Grand Rapids, MI
49507

Kent County DHHS- via electronic mail

BSC3- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

Petitioner

