



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 24, 2018
MAHS Docket No.: 18-007467
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 27, 2018, from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Candace Binns, Hearing Facilitator.

ISSUE

Did the Department properly deny the 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. The Petitioner applied for FIP cash assistance on [REDACTED], 2018. At the time of the application, the Petitioner was pregnant. (Exhibit 1.)
2. The Petitioner is disabled and receives Retirement, Survivors and Disability Insurance (RSDI) in the amount of \$137.00 and Supplemental Security Income (SSI) in the amount of \$633.00 and a state quarterly supplement of \$14.00 a month for a total monthly income of \$784.00.
3. The Department issued a Notice of Case Action on June 19, 2018, denying the Petitioner's FIP application due to excess income. No group size was listed on the Notice. (Exhibits 2 and 3.)

4. The Petitioner requested a hearing on [REDACTED] 2018, protesting the Department's denial of her application.

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 SSI Payments (SSP) program is established by 20 CFR 416.2001-.2099 and the Social Security Act, 42 USC 1382e. The Department administers the program pursuant to MCL 400.10.

In this case, the Petitioner applied for FIP cash assistance from the Department and was pregnant at the time of the application. The Petitioner also received SSI, RSDI and a monthly state quarterly supplement at the time of her FIP application. Department policy provides that the determination of FIP group composition is a determination of which individuals living together are included in the FIP eligibility determination group and the FIP certified group. To be eligible for FIP, **both** of the following must be true: the group **must include a dependent child who lives with a legal parent**, and the group cannot include an adult who has received more than 60 TANF months. BEM 210 (April 1, 2017), p. 1. The FIP certified group means those individuals in the FIP EDG who meet all financial FIP eligibility factors and must have a participation status of eligible adult. BEM 210, p. 2.

Receipt of certain other program benefits or services affects an individual's FIP EDG participation status, which includes receipt of SSI, BEM 210, p. 7. A person who receives SSI, has a FIP EDG participation status of Other Adult. The income, assets and needs of an SSI recipient are **not** considered in determining eligibility for the FIP EDG, BEM 201, p. 7.

The Department denied the Petitioner's application for FIP benefits due to her income from SSI in the amount of \$633.00, RSDI in the amount of \$137.00 and the receipt of the \$14.00 monthly state quarterly supplement for a total of \$784.00. The Department denied the application due to excess income.

The Petitioner asserted at the hearing that due to her pregnancy at the time of the application she was eligible for FIP on that basis. At the hearing, the Department was requested to explain its determination regarding excess income, and was not able to do so. However, the Petitioner, although pregnant, must also be evaluated with respect to whether a pregnant applicant for FIP who is not eligible for FIP due to receipt of SSI status and receipt of SSI benefits is otherwise entitled to FIP due to her pregnancy.

Department policy addresses situations where the FIP certified group has no child:

A FIP certified group may be composed of only adults under specified circumstances. Groups with no eligible child may consist of the following:

- A pregnant woman and if married, her spouse.

Note: If the pregnant woman is not a member of the certified group, such as an SSI recipient, there is no FIP eligibility based on the pregnancy.

- The caretaker(s) of a dependent child who would be eligible for FIP except for the child's receipt of SSI.
- A legal parent(s) and/or stepparent of a dependent child in an out-of-home foster care placement due to abuse and/or neglect when there is a plan to return the child to the parent's home. Eligibility based on this policy is allowed for up to 12 months from the date the child(ren) were removed. BEM 210 (April 2017), p. 13
- The FIP payment standard is based on the grantee's EDG participation status and the FIP certified group size; see RFT 210. BEM 210, p. 2 (emphasis supplied).

Receipt of SSI affects the individual's FIP EDG participation status. BEM 210, p. 7. A FIP EDG member who receives SSI has a FIP EDG participation status of Other Adult. The income assets and needs of an SSI recipient are not considered in determining eligibility for the FIP EDG; however, their relationships to other EDG members are considered. Example: SSI recipient has one child. The SSI recipient cannot be in the FIP certified group; however, the SSI parent's relationship to the dependent child forms a valid FIP EDG. p. 9.

Based upon the Petitioner's status as an SSI recipient, the FIP group is composed only of an adult and Petitioner as an SSI recipient and as a pregnant applicant is not eligible to receive FIP based upon BEM 210. Once the Petitioner's child is born, the Petitioner may reapply for FIP benefits at that time. The Petitioner raised a claim of discrimination by the Department based upon the fact that she was disabled and was denied on that basis. However, the Department's denial although stated as excess income, was nonetheless correct due to Petitioner's status as an SSI recipient and the requirements of BEM 210 above. The Department's denial of Petitioner's application was correct

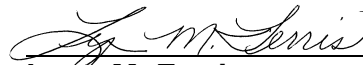
based upon the fact that she is not eligible as a pregnant SSI recipient as explained above and was not a denial based upon her disability but based upon her status as a recipient of SSI.

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 the Petitioner's application for FIP cash assistance.

DECISION AND ORDER

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

LMF/



Lynn M. Ferris

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) 763-0155; 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

Deborah Little
MDHHS-Wayne-49-Hearings

Petitioner

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