



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: December 13, 2019
MOAHR Docket No.: 19-011523
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 December 5, 2019, from Detroit, Michigan. Petitioner was present and represented himself. The Department of Health and Human Services (Department) was represented by Lori Williams, Family Independence Manager. Also present at the hearing was Arabic Interpreter, Shaema Alsaad.

ISSUE

Did the Department properly determine Petitioner's Family Independence Program (FIP) benefit eligibility?

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 was an ongoing FIP recipient.
2. Petitioner's household consisted of himself, his wife and their four children.
3. Petitioner had unearned income in the form of Supplemental Security Income (SSI) benefits.
4. On August 31, 2019, the Department sent Petitioner a Notice of Case Action informing him that his FIP benefits were being reduced to \$420 per month effective October 1, 2019, ongoing (Exhibit A, pp. 8-14).

5. On [REDACTED], 2019, Petitioner submitted a request for hearing disputing the Department's actions.

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 was an ongoing FIP recipient. Petitioner's household consisted of himself, his wife and their four children. Petitioner and two adult children in his household, one of which was still in high school and had recently turned [REDACTED] years old. The Department testified that Petitioner's FIP benefits were reduced as a result of his child turning [REDACTED] years old. The Department testified that although there were six people in Petitioner's household, only three of the individuals were in his FIP group. The Department determined that Petitioner was entitled to a monthly FIP benefit amount of \$420.

Group composition is the determination of which individuals living together are included in the FIP Eligibility Determination Group (EDG)/program group and the FIP certified group. BEM 210 (April 2019), p. 1. The FIP EDG means those individuals living together whose information is needed to determine FIP eligibility. BEM 210, p. 2. The FIP EDG participation status explains the role the individual plays in the FIP eligibility determination. BEM 210, p. 2.

When a dependent child is a mandatory FIP EDG member, all of the following individuals who live together are in the FIP EDG: (i) the dependent child; (ii) the child's legal parents; (iii) the child's siblings *who meet the definition of a dependent child* (emphasis added); (iv) the legal parents of the child's siblings; (v) the child's legal stepparent; (vi) the child's legal stepsiblings; and (vii) the child's child. BEM 210, p. 5. A dependent child is defined as an unemancipated child who lives with a caretaker and is under 18 or age 18 and full-time high school student. BEM 210, p. 5.

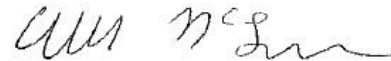
A FIP EDG member, who receives SSI, has a FIP EDG participation status of Other Adult or Other Child. BEM 210, p. 8. The income, assets and needs of an SSI recipient are not considered in determining eligibility for the FIP EDG. BEM 210, p. 8. Meaning, an SSI recipient is not considered when determining the amount of benefits for which the FIP group is entitled.

At the hearing, it was not disputed that two of Petitioner's children were ■ years old or older. Therefore, the two adult children would not be included in the FIP EDG group. Petitioner also conceded that he was an SSI recipient. Thus, Petitioner's FIP EDG status would be an Other Adult, and he would not be considered when determining the FIP EDG's benefit amount. Thus, the Department properly determined that Petitioner's FIP benefit amount would be based on a group size of three. The Department will use the ineligible grantee payment standard when the grantee is not a member of the program group. RFT 210 (April 2017), p. 1. This grantee status includes SSI recipients. RFT 210, p. 1. Thus, Petitioner is an ineligible grantee. The monthly FIP benefit amount for a group size of three with an ineligible grantee is \$420. RFT 210, p. 1. Therefore, the Department properly followed policy when it determined Petitioner's FIP eligibility.

DECISION AND ORDER

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

EM/cg



Ellen McLemore

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:

MDHHS-Wayne-17-Hearings
B. Sanborn
B. Cabanaw
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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