

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No: 200818652  
Issue No: [REDACTED]  
Case No: [REDACTED]  
Hearing Date:  
March 15, 2011  
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: Vicki L. Armstrong

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to 7 CFR 273.18; 45 CFR 233.20(a)(13); MCL 400.9; MCL 400.37; MCL 400.43(a); MAC R 400.941 and MCL 24.201, *et seq.*, upon a hearing request by the Department of Human Services (department) to establish an overissuance of benefits to Respondent. After due notice, a telephone hearing was held on March 15, 2011. Claimant personally appeared and provided testimony.

ISSUE

Whether Respondent received an overissuance of Family Independence Program (FIP) benefits that the department is entitled to recoup?

FINDINGS OF FACT

The Administrative Law Judge, based upon the clear and convincing evidence on the whole record, finds as material fact:

1. Respondent applied for and received FIP benefits.
2. Respondent signed Assistance Application (DHS-1171) on July 5, 2007, acknowledging that she understood her failure to give timely, truthful, complete and accurate information about her circumstances could result in a civil or criminal action or an administrative claim against her. (Department Exhibits 22-29).

3. On June 2, 2007, Respondent had a baby. Respondent was 17 years old, making her a Minor Parent. (Department Exhibits 22-29).
4. Respondent received \$1,500.00 in FIP benefits during the alleged fraud period of August 2007 through October, 2007. (Department Exhibits 4, 6).
5. Respondent submitted a hearing request on February 28, 2008, protesting the debt establishment. (Request for a Hearing).

### CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The department's philosophy concerning minor parents is that minor parents and their children should live under adult supervision to ensure that they are in a safe, nurturing environment. Adult parents should act as the caretakers of their minor children and provide maintenance, physical care, and guidance, even after a minor child has become a parent. When living with a parent, stepparent, or legal guardian is not possible, the minor parent and child should live in another adult-supervised living arrangement. BEM 201.

A minor parent is defined as a person under age 18 who is not emancipated and is either the parent of a dependent child living with him/her or is pregnant. All minor parents must live in an adult-supervised living arrangement as a condition of FIP eligibility. A minor parent and the dependent child in his or her care must live with the minor parent's parent, stepparent, or legal guardian or have good cause to live elsewhere. A minor parent who has good cause for not living with a parent, stepparent, or legal guardian must live in an acceptable adult-supervised living arrangement. BEM 201.

Per policy, an acceptable adult-supervised living arrangement may be a DHS approved living arrangement, other than the home of the parent, stepparent, or legal guardian, in which the minor parent and child live with an adult who acts as a parent to the minor parent. A supervising adult is a person who accepts responsibility for the supervision of a minor parent, and is an adult relative of the minor parent or is an unrelated person age 21 or over. BEM 201.

The department may determine there is good cause for not requiring a minor parent and his/her child to live with a parent, stepparent, or legal guardian when the minor parent

has no living parent, stepparent, or legal guardian whose whereabouts is known. BEM 201.

In this case, the department has established that Respondent was 17 years old at the time of her FIP application and had a newborn son. Because Respondent was under the age of 18, and not emancipated, she was a minor parent. BEM 201.

At the time of application, the department found that Respondent's mother had an active FIP case but was not living with Respondent or at the address she provided to the department. Therefore, the department submitted a complaint to Protective Services against Respondent's mother and removed Respondent from her mother's FIP case. Because the department determined Respondent had good cause not to live with her mother, Respondent moved in with her baby's father's grandmother. Here, the grandmother met the definition of a supervising adult, because she accepted the responsibility for the supervision of Respondent, a minor parent, and was an unrelated person age 21 or over. BEM 201. Therefore, because Respondent was living in an adult-supervising living arrangement, she met the condition of FIP eligibility. BEM 201.

This Administrative Law Judge finds that the evidence presented by the department shows that the department determined there was good cause to award Respondent FIP benefits. Therefore, Respondent is not responsible for repayment of the alleged overissuance, because in this case Respondent was eligible for FIP assistance and hence, there was no overissuance.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that Respondent did not receive an overissuance of FIP benefits for the time period of August 2007 through October, 2007, because the department found Respondent was eligible for FIP based on good cause.

Accordingly, the department's actions are REVERSED.

It is SO ORDERED.

/s/ \_\_\_\_\_  
Vicki L. Armstrong  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: March 17, 2011

Date Mailed: March 17, 2011

**NOTICE:** The law provides that within 60 days of mailing of the above Decision the Respondent may appeal it to the circuit court for the county in which he/she resides or has his or her principal place of business in this state, or in the circuit court for Ingham County. Administrative Hearings, on its own motion, or on request of a party within 60 days of the mailing date of this Hearing Decision, may order a rehearing.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

VLA [REDACTED]

cc: [REDACTED]