

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2009-16284

Issue No: 1001

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 20, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing on January 26, 2009. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 20, 2009. The Claimant appeared and testified along with her granddaughter, [REDACTED] Octavia Inman, FIS specialist and Albert Klimkowski, FIM appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP case?

FINDINGS OF FACT

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

1. The Claimant was a FIP recipient.
2. Claimant's granddaughter testified that she is 18 years old and she graduated from high school in [REDACTED].

3. Claimant and her granddaughter testified that the granddaughter is currently enrolled in college full time.
4. The case was closed effective 2/2/09 based on Claimant's granddaughter being 18 years of age and having graduated from high school.
5. On April January 26, 2009, the Department received the Claimant's hearing request protesting the termination of the FIP benefits.

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 (formerly known as the Family Independence Agency) 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Family Independence Program (FIP) provides financial assistance to families with children. The goal of FIP is to help maintain and strengthen family life for children and the parent(s) or other caretaker(s) with whom they are living, and to help the family attain or retain capability for maximum self support and personal independence. Several nonfinancial and financial eligibility factors must be met for a family to be eligible for FIP.

By definition FIP benefits are for households with minor children. The household must include a dependant child, defined as an unemancipated child who lives with a caretaker and is either under age 18 or is a full-time high school student expected to graduate before age 20.

PEM 210. A group may be composed of only adults under a few specified circumstances as follows:

- A pregnant woman and if married, her husband.
- The caretaker(s) of a dependent child who would be eligible for FIP except for the child's receipt of SSI.
- A parent(s) or parent and 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 one year.

A person enrolled in a post-secondary education program may be considered in student status for food assistance benefits only, not for FIP benefits. PEM 245.

In the record presented, Claimant's granddaughter is enrolled in college full time. Claimant testified that she is eighteen (18) years old and graduated from high school last [REDACTED]. Since the regulations governing eligibility for FIP benefits require that a child be either under age 18 or in high school full time in order for a group to qualify for FIP benefits, Claimant's granddaughter does not meet the definition of a dependant child. Nor does Claimant qualify for FIP under any of the other exceptions.

Based upon the foregoing facts and relevant law, it is found that the Department's determination is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FIP case.

Accordingly, the Department's determination to closed Claimant's FIP is AFFIRMED.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/27/09

Date Mailed: 04/28/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

JV/dj

cc:

