

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 201040999  
Issue No: 1015  
Case No: [REDACTED]  
Hearing Date:  
November 24, 2010  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Robert J. Chavez

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on October 7, 2010.

**ISSUE**

Did the Department of Human Services (DHS) correctly determine claimant's FIP group size?

**FINDINGS OF FACT**

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

- (1) Claimant was a FIP recipient in Wayne County.
- (2) Claimant is an ineligible grantee.
- (3) In March, 2010, claimant's grant was reduced from a grant for 3 people to a grant for 1 person.
- (4) Claimant's son was removed from the group because he was 18 or 19 years of age, and not expected to graduate by age 20.

- (5) This was verified by the group member's school.
- (6) Claimant did not turn in a corrected verification from the school until September, 2010.
- (7) No evidence was presented that the claimant had turned in any other verifications.
- (8) On June 15, 2010, claimant requested 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) and the Bridges Reference Manual (BRM).

With regards to the FIP program, a child of age 18 or 19 years is only eligible for an FIP grant if they are a full time high school student and expected to graduate by age 20.

Claimant's son was 18 or 19 years old and a full time high school student. On March 22, 2010, claimant's school submitted a verification that showed that claimant's son would not graduate by age 20. In response to this verification, claimant's son was considered ineligible for an FIP grant, and removed from the case. While the claimant submitted a verification on September 22, 2010 that showed that claimant's son would graduate before age 20, this verification is irrelevant to the current case; the only test is whether the Department's action was correct at the time they took the action, based on the information they knew. Furthermore, this action is part of an event that happened after the claimant's hearing request; the undersigned has no jurisdiction to hear facts that happened after claimant submitted her hearing request. The undersigned can only review Department actions prior to the hearing request, and in the current case, that review is solely a question of whether the Department was correct in removing claimant's son from the case.

In the present case, the Department had undisputed information that claimant's son would not graduate by age 20, and eliminated him as an FIP group member, as proscribed by policy. No other information was submitted to the Department, by claimant's own admission. Therefore, the Department's action in the current case was correct.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department decision to remove claimant's son from the FIP group was correct.

Accordingly, the Department's decision in the above stated matter is, hereby, AFFIRMED.



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Robert J. Chavez  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: May 24, 2011

Date Mailed: May 24, 2011

**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.

RJC/hw

cc:

