

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2010-45201
Issue No: 1001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 14, 2010
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 September 14, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Family Independence Program (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) Claimant was an ongoing recipient of Family Independence Program (FIP) benefits.
- (2) On April 7, 2010 Claimant informed the Department that her son [REDACTED] was no longer in school. Tony was born [REDACTED]
- (3) On April 30, 2010 Claimant was sent a Notice of Case Action (DHS-1605) stating her Family Independence Program (FIP) case would close because she had no eligible minors in her household.
- (4) On May 5, 2010 Claimant submitted a timely request for 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 Program Reference Manual (PRM).

Claimant does not dispute that [REDACTED] was not in school in April 2010. Claimant clarified that [REDACTED] had been suspended as a disciplinary action. Claimant testified that [REDACTED] was re-enrolled for the fall. The record was left open to allow Claimant to submit documentation from school about [REDACTED]. Claimant submitted a Verification of Student Information form on [REDACTED]. The form indicates that as of 9/24/10, [REDACTED] is enrolled full time in a public school secondary program for the 2010-2011 school year pursuing a high school diploma. The form does not indicate when [REDACTED] is expected to complete the program. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

AGE

DEPARTMENT POLICY

FIP, SDA, RAP, CDC, MA and AMP Only

Age is an eligibility factor for FIP, SDA, RAP, CDC, AMP, and certain MA types of assistance.

An individual remains eligible with respect to age for the entire month in which they reach the maximum age.

Bridges evaluates age as an eligibility factor at application, redetermination and whenever an individual reaches an age limit defined in policy below.

AGE AS AN ELIGIBILITY FACTOR

Age of a Child FIP Only

A **child** must meet one of the conditions or set of conditions described below:

- The child is under age 18.
- The child is age 18 or 19, **and** a full-time high school student **and** expected to graduate by age 20.

See BEM 245 for a definition of high school and an explanation of fulltime enrollment and attendance. (BEM 240)

In this case the Department was going to close Claimant's Family Independence Program (FIP) case right after [REDACTED] turned 18 on [REDACTED] because [REDACTED] was not in school at the time. [REDACTED] is currently 18 years old and the evidence in the record shows that he is enrolled full time but does not show that he meets the criteria of expected graduation by age 20. The Department's action to close the case was correct when the Notice of Case Action (DHS-1605) was sent and remains correct to the date of this decision because age eligibility has not been shown for [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Family Independence Program (FIP) case.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 2010

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.

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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.

GFH/alc

cc:

