

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.: 201049519
Issue No.: 1022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 17, 2010
Office: Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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. After due notice, a telephone hearing was held on November 17, 2010. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified. [REDACTED] appeared as a translator for Claimant.

ISSUE

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits effective 8/1/10 due to Claimant no longer meeting the group composition requirements for FIP benefits.

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 FIP recipient.
2. Claimant's household includes Claimant and her child [REDACTED] ([REDACTED]).
3. [REDACTED] graduated high school in 6/2010.
4. On 6/22/10, DHS mailed Claimant a Notice of Case Action (Exhibit 3) notifying Claimant that her FIP benefits would be terminated beginning 8/1/10 due to Claimant's failure to meet FIP group composition requirements.

5. Claimant requested a hearing on 6/30/10 disputing the termination of her 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS believes that children are best served by living in supportive family settings. BEM 210 at 1. The mutual responsibility of family members for each other and their commitment to caring for each other are key to building strong families. *Id.* FIP benefits are issued in support of this philosophy.

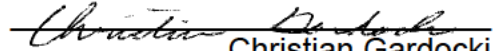
To be eligible for FIP, a dependent child must live with a legal parent, stepparent or other qualifying caretaker. BEM 210 at 1. A dependent child is an unemancipated child who lives with a caretaker and is either:

- under age 18;
- or age 18 or 19 and a full-time high school student expected to graduate before age 20. *Id.*

Claimant did not dispute any of the facts. Claimant only lives with her child, [REDACTED]. Until 6/2010, [REDACTED] was considered a "dependent child" by FIP group composition standards. Once [REDACTED] graduated high school in 6/2010, he stopped meeting the definition of dependent child as he was neither under age 18 nor an 18 or 19 year old full-time high school student expected to graduate by age 20; thus once [REDACTED] graduated high school, he was no longer a dependent child and Claimant was no longer eligible for FIP benefits. Accordingly, it is found that DHS properly terminated Claimant's FIP benefits on 6/22/10 to be effective 8/1/10 due to Claimant's failure to meet FIP group composition requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefits effective 8/1/10. The actions taken by DHS are AFFIRMED.


Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: November 29, 2010

Date Mailed: November 29, 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 60 days of the filing of the original request.

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.

CG/hw

cc:

