

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: 201052721
Issue No: 1001
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 19, 2010
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 26, 2010. After due notice, a telephone hearing was held on Tuesday, October 19, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) eligibility?

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 on ongoing FIP recipient until August 1, 2010.
2. On July 9, 2010, the Department sent the Claimant a Verification of Student Information (DHS-3380), which was returned to the Department on July 19, 2010.
3. The Claimant's son was born on [REDACTED]
4. The Claimant's son attends school full time and is expected to graduate in June of 2012.

5. On July 22, 2010, the Department notified the Claimant that she was no longer eligible for FIP benefits as of August 1, 2010, because there is no longer a child as defined by Department policy living in the home.
6. The Department received the Claimant's request for a hearing on July 26, 2010, protesting 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 (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 (RTM), and the Bridges Reference Manual (BRM).

Group composition is the determination of which individuals living together are included in the FIP eligibility determination group and the FIP certified group. BEM 210. To be eligible for FIP benefits, a child must live with a legal parent, stepparent or other qualifying caretaker. BEM 210.

A dependent child is an unemancipated child who lives with a caretaker and is one of the following:

- Under age 18.
- Age 18 or 19 and a full-time high school student expected to graduate before age 20. BEM 210.

High school means a course of study leading to the attainment of a high school diploma, or its equivalency. The following programs are considered to meet the definition of high school equivalency:

- Adult basic education (ABE)
- Alternative education
- Charter school
- General education development (GED)
- Home school
- Non-public school

- Vocational or technical training. BEM 245.

In this case, the Claimant was an ongoing FIP recipient. As part of a routine review of the Claimant's eligibility for the FIP program, the Department sent the Claimant a Verification of Student Information (DHS-3380) form, which was returned to the Department in a timely manner on July 19, 2010. The Claimant's son is the only child in the household and he was born on July 11, 1991. The Claimant's son was 19 years old when the Department made its eligibility determination and the director of the school he attends reported on July 19, 2010, on the DHS-3380 that he was expected to graduate in June of 2012. Therefore the Claimant's son is not expected to graduate before reaching 20 years of age.

On July 22, 2010, the Department determined that the Claimant was not eligible for FIP benefits because there were no children living in the household, as defined by Departmental policy. The Department has established that the Claimant was no longer eligible to receive FIP benefits as of August 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy in determining the Claimant's FIP eligibility.

The Department's FIP eligibility determination is AFFIRMED. It is SO ORDERED.

_____/s/

Kevin

_____ Scully

Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 26, 2010

Date Mailed: October 27, 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.

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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.

KS/alc

cc:

