

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201120380
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: April 13, 2011
DHS County: Wayne

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on April 13, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED]

ISSUE

Was the Department correct in its decision to deny Claimant's application for Family Independence Program (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 applied for Cash Assistance/FIP on December 17, 2010.
2. Claimant is the legal guardian of [REDACTED] whose date of birth is [REDACTED]
3. Claimant's FIP application was denied on December 17, 2010, due to "no eligible children."

4. Claimant requested a hearing on the denial of her FIP application on December 22, 2010.

CONCLUSIONS OF LAW

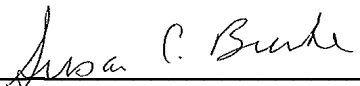
The Family Independence program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM), which includes the Reference Tables (RFT.)

BEM 245 dictates: "Children ages 18 or 19 must attend high school full time and be reasonably expected to graduate by age 20, as a condition of eligibility for FIP." BEM 245, p. 1.

In the present case, the Claimant testified credibly that she is the guardian of a child who is nineteen years of age. Claimant testified that the child is receiving special education courses. The Department did not prove that Claimant's nineteen-year-old child was not attending high school full time and was not reasonably expected to graduate by age twenty. Therefore, the Department was incorrect in its decision to deny Claimant's FIP application.

DECISION AND ORDER

Based upon the above findings of fact and conclusions of law, it is concluded that the Department was incorrect in its decision to deny Claimant's FIP application, and it is ORDERED, therefore, that its decision is REVERSED. It is further ORDERED that the Department shall reinstate and reprocess Claimant's FIP application of December 17, 2010. It is further ORDERED that if Claimant is otherwise eligible, any missed payments shall be made in the form of a supplement.



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

2011-3753/SCB

Date Signed: May 3, 2011

Date Mailed: May 3, 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 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.

SCB/hw

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