

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

IN THE MATTER OF:



Reg. No. 201120719
Issue No. 1001
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: April 14, 2011
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the claimant's request for a hearing. After due notice a telephone hearing was held on April 14, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly close the claimant's Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. On July 23, 2010, the Claimant's son reached the age of [REDACTED] while he was still in school.
2. |On February 20, 2011, the Department closed the Claimant's FIP.
3. On February 16, 20011, the Claimant filed a request for 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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Department cites PEM 630 as the basis for the closure of the Claimant's FIP.

SCHOOL ATTENDANCE

Children

FIP Only

Children ages 16 through 19 must meet one of the conditions described below.

A child age 16 to 18 must be a full-time student **or** participate in employment-related activities.

A child age 19 must be a full-time high school student **and** be expected to graduate (or complete the requirements to graduate) by age 20. (BEM 245, p. 2).

Here, the Claimant's son turned 20 in July of 2010.

FIP Certified Groups With No Child

A FIP certified group may be composed of only adults under specified circumstances. Groups with no eligible child may consist of the following:

A pregnant woman and if married, her husband.

If the pregnant woman is not a member of the certified group (e.g., she is an SSI recipient), there is no FIP eligibility based on the pregnancy.

The caretaker(s) of a dependent child who would be eligible for FIP except for the child's receipt of SSI.

A legal parent(s) and/or stepparent of a dependent child in an out of home foster care placement due to abuse and/or neglect when there is

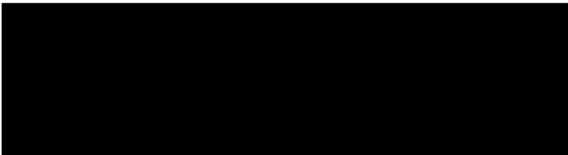
201120719/MJB

a plan to return the child to the parent's home. Eligibility based on this policy is allowed for up to one year. (BEM 210, pp. 10-11).

In the instant case, the Claimant does not qualify in any other way for the continuation of her FIP. This ALJ finds that the Department was correct in closing the Claimant's FIP.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, AFFIRMS the Department's denial of the Claimant's FIP application.



Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 19, 2011

Date Mailed: May 19, 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.

MJB/hw

cc:



Wayne County DHS (49)



Administrative Hearing System