

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201135228  
Issue No.: 1001  
Case No.: [REDACTED]  
Hearing Date: July 20, 2011  
Wayne County DHS  
District 82-15

**ADMINISTRATIVE LAW JUDGE:** Yasmin J. Elias

**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 conducted from Detroit, Michigan, on July 20, 2011. The Claimant appeared and testified. [REDACTED], Jet Worker, appeared and testified on behalf of the Department of Human Services (DHS).

**ISSUE**

Whether the Department terminated the Claimant's Family Independence Program (FIP) benefits in accordance with its policies and procedures?

**FINDINGS OF FACT**

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

1. In 2011, the Claimant was a FIP benefit recipient.
2. The Claimant has two children, a son and a daughter, born [REDACTED].
3. On March 8, 2011, as part of a redetermination, the DHS requested that the Claimant provide verification of school attendance for her [REDACTED] year old twins by March 18, 2011.
4. The Claimant provided school attendance verification for her son within the required timeframe, but not for her daughter.

5. On May 5, the Claimant was informed that her FIP benefits would be terminated due to her failure to verify school attendance for her daughter.
6. On May 5, 2011, the Claimant requested a hearing 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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules R400.3101-3131. 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 Bridges Reference Manual (BRM).

For all programs, DHS must request verifications when required by policy. BAM 130 at 1. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130 at p. 1. Verification is usually required at application or redetermination. BAM 130 at p. 1. In obtaining verifications, DHS must tell the client what verification is required, how to obtain it, and the due date. BAM at p 2. In addition, pursuant to BAM 105, in addition to determining eligibility and calculating the level of benefits, the DHS local office is required to protect client rights.

Pursuant to BEM 210, a caretaker is a legal parent or stepparent living in the home, or when no legal parent or stepparent lives in the home, another adult who acts as a parent to a dependent child by providing physical care and supervision. A dependent child is an unemancipated child who lives with a caretaker and is either under the age of 18 or is age 18 or 19 and a full-time high school student expected to graduate before age 20. BEM 210 at p. 1. For FIP benefits only, Children are expected to attend school full-time, and graduate from high school or a high school equivalency program, in order to enhance their potential to obtain future employment leading to self-sufficiency. Children ages 16 and 17 must attend school full-time or participate in Jobs, Education, Training (JET); see BEM 230A. BEM 245 at p. 1. Children age 18 must attend high school full-time, and children age 19 must attend school full-time and graduate (or complete the requirements to graduate) before age 20 as a condition of eligibility. BEM 245 at p. 1.

In the present case, DHS terminated Claimant's FIP benefits based on the Claimant's failure to provide documentation of school attendance for her daughter. The Claimant acknowledged that she did not provide verification of school attendance for her daughter because her daughter stopped attending high school due to a confrontation

with other students. The Claimant further testified that she was diligently attempting to enroll her daughter in adult education classes, but had not been able to as of the date of the hearing.

It was not disputed that the Claimant's daughter was not attending high school as of March 2011, and therefore the Claimant could not provide the requested verification. However, BEM 245 provides for participation in JET as an alternative to school attendance for children ages 16 and 17. The Claimant's daughter, born [REDACTED], was [REDACTED] years old in March 2011. The Claimant asserted that she was never informed of the JET participation alternative to school attendance for her daughter, and further asserted that her daughter would have been willing to participate with the JET program. The DHS worker acknowledged that she did not bring up the alternative of JET program participation for the Claimant's daughter because the Claimant at all times indicated that she was attempting to reenroll her daughter in high school or adult education classes. Thus, it was not disputed that the JET program alternative was not offered to the Claimant.

Based on the evidence presented at the hearing, it is apparent that some, but not all, of the options for maintaining FIP benefit eligibility were presented to the Claimant prior to termination of her FIP benefits. Accordingly, the DHS did not demonstrate that the termination of the Claimant's FIP benefits was fully in accordance with its policies.

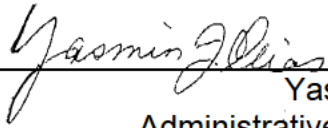
### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the DHS improperly terminated the Claimant's FIP benefits by failing to offer JET participation as an alternative to the Claimant's [REDACTED] year old daughter's school attendance. The actions taken by DHS are therefore REVERSED. It ordered that DHS:

1. Reinstatement the Claimant's FIP benefits as of the date of termination.
2. Supplement the Claimant for lost FIP benefits, if any, that the Claimant was entitled to receive if otherwise eligible and qualified, retroactive to the date of the referenced FIP benefit termination, in accordance with Department policy.
3. Refer the Claimant's [REDACTED] year old daughter to the JET program as a condition of continued FIP program eligibility if she is not attending high

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school on a full time basis.

  
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Yasmin J. Elias  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: July 25, 2011

Date Mailed: July 25, 2011

**NOTICE: 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.

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