

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201229544
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: March 22, 2012
County: Sanilac County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 22, 2012, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits?

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 November of 2011, the Claimant applied for FIP benefits.
2. On November 28, 2011, the Department requested verification of the Claimant's daughter's enrollment and attendance in school.
3. On or around December 8, 2011, the [REDACTED] returned to the Department the requested verification of student information. [REDACTED] indicated the Claimant's daughter was enrolled full-time but currently not attending school.
4. On December 19, 2011, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP application was denied.

5. On January 26, 2012, the Claimant filed a hearing request in regards to the December 19, 2011 notice of case action.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Dependent 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. Dependent children age 16 and 17 must attend high school full-time. A dependent child age 16 or 17 who is not attending high school full-time is disqualified from the FIP group in Bridges. Dependent children age 18 must attend high school full-time. Minor parents under age 17 must attend high school full-time.

Dependent children ages 16 through 18 must meet one of the conditions described below:

- A child age 16 or 17 must be a full-time student.
- A child age 18 must attend high school full-time.

A dependent child must be enrolled in and attending a school as defined in this item. Courses which are not administered by a **school** do **not** meet the requirement of school attendance. Correspondence or Web-based courses administered by a school or used as part of a home school curriculum are acceptable.

Schools determine:

- The level of enrollment (such as full-time, half-time, or part -time).
- Attendance compliance.
- Suspensions (such as reasons for/duration).

In the current case, the school determined the Claimant's daughter was not attending school at the time the Claimant applied for FIP benefits. Since **school enrollment AND attendance** are requirements for the Claimant to receive FIP, the Department acted in accordance with the applicable laws and policy in denying the Claimant's FIP application.

DECISION AND ORDER

Based upon the above findings of fact and conclusions of law, I **AFFIRM** the Department's actions in this matter.

/s/ _____
Corey A. Arendt
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 23, 2012

Date Mailed: March 23, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
- misapplication of manual policy or law in the hearing decision,
- typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
- the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CAA/cr

cc:

