

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-48218
Issue No.: 1021
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 July 31, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case due to his failure to verify his son's student status?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FIP benefits.
2. On March 1, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting, among other things, documentation verifying Claimant's son's school attendance.
3. Claimant did not submit the requested verification by the March 11, 2013, due date.
4. On May 2, 2013, the Department sent Claimant a Notice of Case Action notifying him that, effective June 1, 2013, his FIP case would close due to failure to provide requested verifications.

5. On May 15, 2013, Claimant filed a request for hearing, disputing the Department's action.

CONCLUSIONS OF LAW

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

The Family Independence Program (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 Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, as a condition of FIP eligibility, a dependent child must attend school full-time. BEM 245 (June 2013), p. 1. The Department must verify school enrollment and attendance at application, redetermination and at each birthday beginning with age 16. BEM 245, p. 7.

In this case, Claimant has a 17-year-old son. On March 1, 2013, the Department sent Claimant a VCL requesting, in part, verification of his son's school attendance by March 11, 2013. When Claimant failed to provide any verification of school attendance, the Department closed his FIP case on June 1, 2013.

At the hearing, Claimant testified that his son was participating in an online curriculum to complete high school. Correspondence or web-based courses administered by a school or used as part of a home curriculum are acceptable to establish school enrollment. BEM 245, p. 2. Claimant acknowledged that he had not provided any written verification of his son's school enrollment and participation in the online course but explained that he had been unable to get the online provider to provide any written verification of his son's enrollment prior to the July 31, 2013, hearing date. However, a client can verify school enrollment and attendance for home schooling through (1) verification of the organized educational program used, curriculum agenda, instruction materials, or student records, or a completed Nonpublic School Membership Report (SM-4325), (2) telephone contact with the school, or (3) other acceptable documentation that is on official business letterhead. BEM 245, pp. 7-8. The Department acknowledged at the hearing that it was willing to accept any documentation, including progress reports or a curriculum, to establish the son's attendance, but Claimant had failed to provide any documentation, even after the Department contacted Claimant on May 15, 2013, after he had filed his hearing request but prior to the June 1, 2013, case closure and informed him that it needed some sort of written documentation. It is further noted that documentation was requested on March

1, 2013, and Claimant's case did not close until June 1, 2013, giving Claimant three months to obtain the requested verification or to request assistance if he was unable to do so.

In light of Claimant's failure to provide any documentation concerning his son's school attendance, the Department acted in accordance with Department policy when it closed Claimant's FIP case.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Claimant's FIP case.

Accordingly, the Department's FIP decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 5, 2013

Date Mailed: August 6, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

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The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

ACE/pf

cc:

