

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

IN THE MATTER OF:



Reg. No.: 2013-57902
Issue No.: 1005
Case No.:
Hearing Date: August 12, 2013
County: Wayne (82-17)

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 August 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application due to her failure to verify her children's school enrollment?

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 June 2, 2013, Claimant applied for FIP, Food Assistance Program (FAP) and Medical Assistance (MA) benefits.
2. On June 7, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting, among other things, documentation verifying school attendance for Claimant's children,
3. On June 25, 2013, the Department sent Claimant a Notice of Case Action denying her FIP application due to failure to provide requested school verifications.
4. On July 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, although Claimant also requested a hearing concerning the denial of her MA application and the amount of her FAP benefits, Claimant testified at the hearing that her concerns regarding her MA and FAP cases had been resolved to her satisfaction and she wished to dismiss her hearing request with respect to those two programs. Accordingly, Claimant's hearing addressed solely the issue of the denial of her FIP application.

As a condition of FIP eligibility, dependent children ages 6 through 17 must attend school full time. BEM 245 (June 2013), pp. 1, 2. The Department must verify school enrollment and attendance at application beginning at age 7. BEM 245, p. 7. In this case, Claimant has three dependent children, a two-year-old son, a 10-year-old son, and a 9-year-old daughter. In processing Claimant's FIP application, the Department sent Claimant a VCL on June 7, 2013, asking for verification, among other things, of school attendance for Claimant's children, [REDACTED]. The Department testified that it did not receive any verification of either child's school attendance and denied the application in a June 25, 2013, Notice of Case Action based on failure to provide verification of school attendance.

At the hearing, Claimant credibly testified that she included the report cards for each of her children with the other documentation requested in the VCL. To verify school enrollment and attendance for children who are not home-schooled, the Department can rely on the following documentation: (i) DHS-3380, Verification of Student Information; (ii) telephone contact with the school; (iii) other acceptable documentation that is on official business letterhead. BEM 245, pp. 7-8. Although the Department denied receiving the report cards, it acknowledged that report cards would have been adequate verification to establish the children's school attendance.

Based on Claimant's credible evidence that she provided verification of school attendance, the Department did not act in accordance with Department policy when it denied Claimant's FIP application.

DECISION AND ORDER

With respect to Claimant's request to withdraw her hearing request concerning her FAP benefits and MA application, it is ORDERED that the FAP and MA matters are DISMISSED pursuant to Mich Admin Code 400.906(1).

With respect to Claimant's hearing request concerning her FIP application, 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 did not act in accordance with Department policy when it denied Claimant's FIP application.

Accordingly, the Department's FIP decision is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister Claimant's June 2, 2013, FIP application;
2. Begin reprocessing the application in accordance with Department policy and consistent with this Hearing Decision;
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from the application date; and
4. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: August 16, 2013

Date Mailed: August 19, 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.

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:

