

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201333356
Issue No.: 1005
Case No.: [REDACTED]
Hearing Date: April 4, 2013
County: Jackson

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on April 4, 2013. Claimant appeared and testified. Claimant submitted two requests for hearing on the same issue and both are addressed in this hearing.

ISSUE

Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) because her [REDACTED] was not compliant with [REDACTED] requirements?

FINDINGS OF FACT

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

- (1) Claimant was an ongoing recipient of Family Independence Program (FIP) benefits. Claimant's Family Independence Program (FIP) benefit group includes herself and two sons less than 18 years of age.
- (2) On February 1, 2013, the Verification of Student Information (DHS-3380) Form for Claimant's oldest [REDACTED] was returned to the Department. The form indicated that Claimant's [REDACTED] year old [REDACTED] was enrolled [REDACTED] but was only attending sometimes. (Pages 1 & 2).
- (3) On February 21, 2013 Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would close April 1, 2013 because her [REDACTED] was not compliant with [REDACTED] requirements.
- (4) On March 6, 2013, Claimant was sent another Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would

- close April 1, 2013 because her [REDACTED] was not compliant with [REDACTED] requirements.
- (5) On March 7, 2013, Claimant submitted a request for hearing regarding the February 21, 2013 Notice of Case Action (DHS-1605) stating her Family Independence Program (FIP) would close.
 - (6) On March 14, 2013, Claimant submitted a request for hearing regarding the February 21, 2013 Notice of Case Action (DHS-1605) stating her Family Independence Program (FIP) would close.

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 (DHS or department) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department of Human Services Bridges Eligibility Manual (BEM) BEM 245 School Attendance and Student Status (2013) page 1 states that for Family Independence Program (FIP) eligibility a dependent [REDACTED] age [REDACTED] through [REDACTED] must attend [REDACTED] [REDACTED]. The policy also provides that if a dependent [REDACTED] age [REDACTED] through [REDACTED] is not attending [REDACTED] full-time, the entire FIP group is not eligible to receive FIP.

Bridges Eligibility Manual 245 page 4 dictates that the school determines a student's enrollment and attendance compliance. In this case the school reported that up until January 29, 2013, Claimant's [REDACTED] was enrolled [REDACTED] [REDACTED] but was not attending regularly, only sometimes. The Department's determination to close Claimant's Family Independence Program (FIP) was correct in accordance with Department policy.

At this hearing Claimant presented evidence of the improvement of her son's school attendance beginning the week of January 28, 2013. BEM 245 page 6 provides criterion for regaining Family Independence Program (FIP) eligibility following a disqualification. An evaluation and any subsequent application of Claimant's son's improved attendance cannot be addressed in this hearing.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Family Independence Program (FIP) because her [REDACTED] was not compliant with school attendance requirements.

201333356/GFH

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHeld.

/s/
Gary F. Heisler
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 4/15/13

Date Mailed: 4/15/13

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.

GFH/tb

cc:

