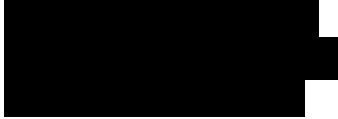


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2013-65500
Issue Nos.: 1001, 4000
Case No.: [REDACTED]
Hearing Date: October 16, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on October 16, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant [REDACTED] [REDACTED]. Participants on behalf of the 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. On June 24, 2013, Claimant applied for cash assistance.
2. In her application, Claimant identified herself as disabled and listed three children, two under the age of 18, as household members.
3. On August 8, 2013, the Department sent Claimant a Notice of Case Action denying her application for FIP benefits because her children were not compliant with school attendance requirements.
4. On August 14, 2013, Claimant filed a request for hearing disputing the Department's denial of her FIP and State Disability Assistance (SDA) application.

CONCLUSIONS OF LAW

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

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The State Disability Assistance (SDA) program is established by the Social Welfare Act, MCL 400.1-119b. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

Additionally, Claimant applied for cash assistance on June 24, 2013. The Department testified that, because Claimant listed her minor children as household members and identified herself as disabled, it considered Claimant's eligibility for cash assistance under both the FIP and SDA programs. SDA is a cash assistance program for individuals who are disabled and not otherwise eligible for cash assistance under FIP, which applies to individuals with dependent children. BEM 214 (January 2010), p. 1; BEM 210 (January 2013), p. 1. At the hearing, the Department testified that it had not issued a decision concerning the SDA application as of the hearing date but it intended to deny the application for failure to provide requested verifications. Because the Department had not taken any negative action as of the hearing date, Claimant was not aggrieved with respect to the Department's action concerning her SDA application. Accordingly, Claimant's August 14, 2013, request for hearing concerning SDA is dismissed. Claimant is advised that she may request a hearing if the Department issues a negative decision and she does not agree with the decision.

In an August 8, 2013, Notice of Case Action, the Department denied Claimant's application for cash assistance under the FIP program because her children were not compliant with school attendance requirements. The hearing proceeded to address the FIP denial.

In this case, Claimant listed three children as household members in her application: [REDACTED]. Dependent children age 18 must attend high school full time until either the dependent child graduates from high school or turns 19, whichever occurs first. BEM 245, p. 1. Because Claimant identified [REDACTED] as having graduated high school on [REDACTED], the Department did not act in accordance with Department policy when it denied Claimant's FIP application on the basis of Rayfield's noncompliance with school attendance. However,

because [REDACTED] was 18 years old at the time of application and no longer attending high school, he was not a dependent child for FIP purposes and would not be a mandatory member of Claimant's FIP group. BEM 210 (January 2013), pp. 1, 4. Because [REDACTED] would not be considered in determining Claimant's FIP eligibility, the Department's error concerning [REDACTED] school attendance is harmless in this case.

The Department also testified that it denied Claimant's application because she identified [REDACTED] and [REDACTED] school enrollment as "half-time." As a condition of FIP eligibility, dependent children ages 6 through 17 must attend school full time. BEM 245 (June 2013), pp. 1, 2. Although Claimant denied identifying her children in her application as being enrolled half time, a review of the June 24, 2013, online application shows that Claimant listed the children as being enrolled half time. Although Claimant may have erred in identifying the children's enrollment, through her electronic signature she certified that she understood the questions and statements on the application form and swore that her answers were correct and complete to the best of her knowledge. Thus, the Department could properly rely on Claimant's responses in her application in assessing her FIP eligibility.

It is noted that Department policy provides that schools determine the level of enrollment (such as full-time, half-time, or part-time) and attendance compliance and that the Department must verify school enrollment and attendance at application beginning at age 7 through a DHS-3380 (Verification of Student Information), telephone contact with the school, or other acceptable documentation that is on official business letterhead. BEM 245, pp. 4-5, 7-8. However, the Department may deny a FIP application if it is clear from the application or other sources that the group is ineligible. BAM 115 (July 2013), p. 15. Verification is not required when the client is clearly ineligible. BAM 130 (May 2012), p. 1. Because Claimant identified her two minor children ages 9 and 12 as not attending school full time on her application, the Department acted in accordance with Department policy when it denied the FIP application without seeking further verification.

DECISION AND ORDER

With respect to Claimant's August 14, 2013, request for hearing concerning her SDA application, because the Department has not acted on the SDA application, Claimant's request for hearing concerning the SDA application is DISMISSED.

With respect to Claimant's August 14, 2013, request for hearing concerning the Department's denial of her FIP application, the Department's FIP decision is AFFIRMED.



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

Date Signed: October 21, 2013

Date Mailed: October 21, 2013

NOTICE OF APPEAL: 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.

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).

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:

