

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201420198
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: January 29, 2014
County: Wayne (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 January 29, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Manager.

ISSUE

Did the Department properly remove Claimant's son from her Family Independence Program (FIP) case?

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 with a group size of two: her daughter and her son; Claimant was not a member of her FIP group.
2. In [REDACTED] 2013, Claimant's son turned [REDACTED] years old.
3. Claimant's son is a full-time high school student expected to graduate in [REDACTED] 2014.
4. On [REDACTED] 2013, the Department sent Claimant a Notice of Case Action notifying her that effective [REDACTED] 2014, her FIP group size was being reduced to one because her son was no longer eligible to be a group member.

5. On [REDACTED], 2013, Claimant filed a request for hearing concerning her FIP case.

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.

Additionally, the only issue presented in this case is whether Claimant's son was properly removed as a member of her FIP group.

A FIP group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker. BEM 210 (July 2013), p. 1. The FIP group also includes the child's legal siblings who meet the definition of a dependent child. BEM 210, p. 5.


A dependent child is defined as an unemancipated child who lives with a caretaker and is one of the following: (i) under age 18 or (ii) age 18 and a full-time high school student. BEM 210, p. 2. Dependent children age 18 must attend high school full-time until they graduate from high school or turn 19, whichever occurs first. BEM 245 (July 2013), pp. 1, 2.

In this case, Claimant's son was a full-time high school student but he turned [REDACTED] years old in [REDACTED] 2013. Therefore, he no longer met the definition of a dependent child. Because he was no longer a dependent child, he was not eligible to be in the FIP group. Therefore, the Department acted in accordance with Department policy when it removed Claimant's son as a member of the FIP group.

It is noted that Claimant herself is not a member of her FIP group. Generally, the legal parent of a dependent child is a mandatory FIP group member unless the parent is a recipient of Supplemental Security Income (SSI) benefits or other benefits that affect FIP participation status or is excluded from the FIP group for failing to cooperate with an eligibility requirement. BEM 210, pp. 5, 7-9. Because the issue at the hearing was limited to Claimant's son's removal from the FIP group, the exclusion of Claimant from the group was not considered. If Claimant believes she has been improperly excluded from the group, she is advised that she can request a hearing to address that matter.

DECISION AND ORDER

The Department's FIP decision is AFFIRMED.


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

Date Signed: February 3, 2014

Date Mailed: February 3, 2014

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/tlf

2014-20198/ACE

cc:

