

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-002988
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: August 13, 2014
County: Kent-District 1

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 August 13, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], [REDACTED] and [REDACTED].

ISSUE

Did the Department properly close the Claimant's 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. The Claimant was an ongoing Family Independence Program (FIP) recipient.
2. On March 17, 2014, the Department the Claimant a Verification Checklist (DHS-3503) requesting verification of her child's school attendance.
3. On May 15, 2014, the Department closed the Claimant's Family Independence Program (FIP) benefits based on her child's lack of school attendance.
4. On May 16, 2014, the Department received the Claimant's request for a hearing, protesting the closure of her Family Independence Program (FIP) benefits.

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, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Claimant was an ongoing Family Independence Program (FIP) recipient when the Department sent her a Verification Checklist (DHS-3503) on March 17, 2014, requesting verification of her child's school attendance.

The Claimant's child is required to attend school full time for the Claimant's benefit group to remain eligible for the Family Independence Program (FIP). Failure to attend school full time causes the entire benefit group to be ineligible for the Family Independence Program (FIP). Department of Human Services Bridges Eligibility Manual (BEM) 245 (July 1, 2014), pp 1-11.

The Department notified the Claimant that it would close her Family Independence Program (FIP) benefits for failing to verify her child's school attendance. Later, the Department acknowledged receipt of the necessary verification, but then proceeded to close the Claimant's Family Independence Program (FIP) benefits based on her child's attendance record.

The Department received a Verification of Student Information form completed by the school that indicates that the Claimant's child is chronically absent from school.

The Claimant argued that her child is absent from school due to his medical condition and the appointments he is required to attend.

Whether the school properly applied its attendance policy is not an issue to be determined by these proceedings. This hearing will determine whether the Department properly applied its policies to the Claimant's circumstances when it closed her Family Independence Program (FIP) benefits based on her child's lack of full-time attendance in school. This Administrative Law Judge finds that the Department did properly apply its policy to the Claimant's circumstances because the evidence supports a finding that the Claimant's son is not considered to be attending school on a full-time basis.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it closed the Claimant's Family Independence Program (FIP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Kevin Scully
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **8/19/2014**

Date Mailed: **8/19/2014**

KS/las

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

