

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-007613
Issue No.: 1001
Case No.: [REDACTED]
Hearing Date: September 25, 2014
County: INGHAM

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 September 25, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant, and her care giver [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearings Facilitator [REDACTED].

ISSUE

Did the Department properly close 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. Claimant was an on-going FIP recipient.
2. On May 14, 2014, the Department mailed to Claimant a Redetermination (Exhibit 1 Pages 1-4), which Claimant completed, and returned to the Department on June 5, 2013.
3. On June 27, 2014, the Department received a Verification of Student Information (Exhibit 1 Pages 5-6) that indicated Claimant's 13-year-old son was attending school "sometimes" and was not regularly attending school.
4. On June 30, 2014, the Department mailed to Claimant a Notice of Case Action (NCA) closing Claimant's FIP. (Exhibit 1 Pages 8-9.)
5. On July 8, 2014, the Department received Claimant's hearing request.

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. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. FIP is designed to support a family's movement to self-sufficiency and financial independence. BEM 245. FIP is not an entitlement, but is temporary in nature. BEM 245.

BEM 245 (7/1/13) p. 1 requires dependent children to attend school if they are ages six through 15. "A dependent child age 6 through 15 must attend school full-time. If a dependent child age 6 through 15 is not attending school full-time, the entire FIP group is not eligible to receive FIP."

Claimant testified that she has had great difficulty getting her son to attend school regularly. She watches to make sure he gets on the bus in the morning, and gets off the bus at the end of the school day. Her caregiver lives down the street, and she watches the son get on the bus in the morning. Claimant has had problems with her son's school attendance since he was in the fourth grade, and she believes the school is advancing him just to get him through the school.

The policy strongly encourages student-aged group members to attend school. If they do not attend school regularly, the Department is required to refer the child to the school district's attendance officer. BEM 245 p 6-7 states:

"A referral must be made to the local Intermediate School District's Attendance Officer if it is verified a dependent child age 6 to 17 is not enrolled/attending a public school or is not participating in an organized education program. Document in Case Comments in Bridges that a referral to the Attendance Officer has been made.

A referral may be made to Children's Protective Services if it is verified a dependent child age 6 to 17 is not enrolled/attending a public school or is not participating in an organized education program and the case worker suspects other forms of child abuse and neglect."

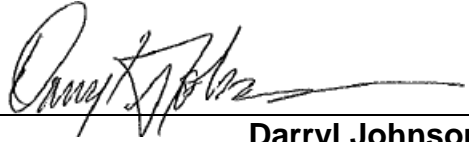
This Decision is not finding, or even suggesting, that there is suspicion of child abuse or neglect. But, the child is not attending school regularly, and the Claimant is unable to

persuade the child to attend regularly. Because the child is not attending regularly, Claimant's FIP benefits were properly closed.

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 Claimant's FIP.

DECISION AND ORDER

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


Darryl Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/2/2014**

Date Mailed: **10/2/2014**

DJ/jaf

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:

