



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

MIKE ZIMMER
DIRECTOR

[REDACTED]

Date Mailed: April 4, 2016
MAHS Docket No.: 16-002752
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Petitioner'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, telephone hearing was held on March 30, 2016, from Lansing, Michigan. Participants on behalf of Petitioner included [REDACTED] and her mother [REDACTED]. [REDACTED] (Hearing Facilitator) represented the Department of Health and Human Services (Department).

ISSUE

Did the Department of Health and Human Services (Department) properly denied the Petitioner's Family Independence Program (FIP) application?

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 December 23, 2015, the Department received the Petitioner's application for Family Independence Program (FIP) benefits.
2. The Petitioner has a daughter ([REDACTED]) that was born on July 19, 2008.
3. On December 30, 2015, the Department sent the Petitioner a Verification Checklist (DHS-3503) requesting verification that she provide verification of her daughter's ([REDACTED]) school attendance by January 11, 2016.
4. On February 4, 2015, the Department received a Verification of Student Information (DHS-3380) and the school principal of [REDACTED]. reported that she was attending school sometimes.

5. On February 12, 2016, the Department notified the Petitioner that it had denied her Family Independence Program (FIP) application.
6. On February 18, 2016, the Department received the Petitioner's request for a hearing protesting the denial of her Family Independence Program (FIP) application.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

Dependent children are expected to attend school full-time, and graduate from high school or a high school equivalency program, in order to enhance their potential to obtain future employment leading to self-sufficiency. Dependent children ages 6 through 17 must attend school full-time. 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 Family Independence Program (FIP) group is not eligible to receive FIP. Department of Health and Human Services Bridges Eligibility Manual (BEM) 245 (October 1, 2015), p 1.

The Petitioner had applied for FIP benefits and the Department requested she provide verification that her seven-year-old child (█████) was attending school as required by BEM 245. The Verification of Student Information (DHS-3380) received by the Department on February 4, 2015, indicated that █████ was attending school sometimes. On February 12, 2016, the Department notified the Petitioner that it had denied her FIP application.

The Petitioner testified that she had applied for FIP multiple times and had been denied each time during her application eligibility period, which is an eligibility requirement for approval of the FIP application. Department of Health and Human Services Bridges Eligibility Manual (BEM) 229 (October 1, 2015), p 1.

In this case, the Petitioner's application was not denied as a result of her noncompliance during the application eligibility period, but as a result of her daughter's less than full time attendance at school.

The Petitioner testified that her lack of access to stabling housing was a barrier to her daughter's attendance in school.

However, BEM 245 requires full-time attendance in school as an eligibility factor to receive FIP benefits and it does not allow the Department to excuse less than full-time attendance for good cause.

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 denied the Petitioner's Family Independence Program (FIP) application.

DECISION AND ORDER

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

KS/las



Kevin Scully
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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 48909-8139

DHHS

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]