



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 10, 2016
MAHS Docket No.: 16-012753
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 5, 2016, from Lansing, Michigan. The Petitioner, [REDACTED], appeared and testified. The Department of Health and Human Services (Department) was represented by Hearing Facilitator, [REDACTED] and Case Manager from Michigan Works, [REDACTED].

PROCEDURAL HISTORY

The record closed at the end of the hearing. The following exhibits were offered and admitted into evidence:

Department: A--June 13, 2016, Redetermination.
B--July 20, 2016, Notice of Case Action.
C--August 3, 2016, Assistance Application, page 1.
D--August 4, 2016, Verification of Student Information.
E-- August 11, 2016, Notice of Case Action.

Petitioner: None.

ISSUE

Did the Department properly take action to deny the Petitioner'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 13, 2016, the Department sent the Petitioner a Redetermination.
2. On July 20, 2016, the Department sent the Petitioner a Notice of Case Action which informs the Petitioner that her FIP case would close due to her failure to verify information requested by the Department.
3. On August 3, 2016, the Petitioner submitted another application for FIP, and other benefits.
4. On August 11, 2016, the Department received the Verification of Student Information, which indicated that though the Petitioner's son was a full-time student, he was only attending school sometimes and not regularly.
5. On August 11, 2016, the Department sent the Petitioner a Notice of Case Action denying the Petitioner's application for FIP due to a group member not being compliant with school attendance requirements.
6. On August 30, 2016, the Department received the Petitioner's written hearing request protesting the denial of her application for FIP benefits.

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.

Additionally, BEM 240 (2016) p. 1, provides that a dependent child must meet the conditions described below:

- The dependent child is under age 6.
- The dependent child is age 6 through 17, attending school full-time.

- The dependent child is age 18 and attending high school full-time until either the dependent child graduates from high school or turns 19, whichever occurs first.

A FIP group that has a dependent child age 6 through 15 that is not attending school full-time is not eligible for FIP. A dependent child age 16 or 17 who is not attending high school full-time is not eligible for FIP benefits. The dependent child will have a Disqualified FIP eligibility determination group (EDG) participation status in Bridges.

In this case, the facts are not disputed. The Petitioner specifically testified that she does not dispute how many days of school her children missed. The Petitioner testified that she lost her husband and that her children went through terrible time period. As it is not contested that one of the Petitioner's children was not attending school full-time, this Administrative Law Judge concludes that the Department has met its burden of proving that it was acting in accordance with departmental policy when taking action to deny the Petitioner's application for FIP.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, finds that the Department acted in accordance with Department policy when it took action to deny the Petitioner's application for FIP.

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



SH/nr

Susanne E. Harris
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]

Petitioner

[REDACTED]