



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 13, 2017
MAHS Docket No.: 17-007916
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a four-way hearing was held on September 13, 2017, from Detroit, Michigan. The Petitioner was represented by herself. An Interpreter/Translator, [REDACTED], also appeared at the hearing to translate [REDACTED] for the Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator and [REDACTED] FIM.

ISSUE

Did the Department properly close the Petitioner's FIP Cash Assistance ?

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 Petitioner was a FIP Cash Assistance recipient.
2. The Department issued a Notice of Case Action dated June 5, 2017 closing the Petitioner's FIP Cash Assistance due to her son, who was [REDACTED] of age, graduating from high school on [REDACTED]. Exhibit C
3. On April 20, 2017, the Petitioner provided a Verification of Student Information which confirmed that Petitioner's son would graduate from high school on [REDACTED], [REDACTED] Exhibit B

4. At the hearing the Petitioner stated on the record that she understood that she was no longer eligible for the FIP Cash Assistance Program.
5. The Petitioner requested a timely oral hearing on June 2, 2017 protesting the Department's actions.

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.

In this case, the Department closed the Petitioner's FIP Cash Assistance as she was no longer eligible for the program. Department policy found in BEM 210 provides that:

Group composition is the determination of which individuals living together are included in the FIP eligibility determination group/program group and the FIP certified group. To be eligible for FIP both of the following must be true:

- **The group must include a dependent child who lives with a legal parent, stepparent or other qualifying caretaker.**
- The group cannot include an adult who has accumulated more than 60 TANF funded months, beginning October 1, 1996 or any other time limits in the Family Independence Program; see BEM 234. BEM 210 (April 2017) p. 1.

A dependent child is a child who is under the age of 18 or age 19 and who has not yet graduated from high school:

A dependent child is an unemancipated child who lives with a caretaker and is one of the following:

- Under age 18.
- Age 18 and a full-time high school student. See BEM 245, for definition of high school. BEM 210, p. 2.

In this case, the facts demonstrated that the Petitioner's son was [REDACTED] of age and graduated high school on [REDACTED] and thus, there was no longer a dependent child in the household which is required for FIP eligibility. Given these facts, the Department properly closed the Petitioner's FIP Cash Assistance case effective July 1, 2017.

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 found the Petitioner was no longer eligible to receive FIP benefits and closed the FIP case, as her son was no longer a dependent child and had graduated from high school.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.

LF/tm



Lynn M. Ferris

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]
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