



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

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Date Mailed: August 8, 2018
MAHS Docket No.: 18-005605
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 telephone hearing was held on July 30, 2018, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by Haysem Hosney, hearing facilitator. Lebina Kattola, MDHHS specialist, participated as an Arabic translator.

ISSUE

The issue is whether MDHHS properly denied Petitioner's Family Independence Program (FIP) applications.

FINDINGS OF FACT

The administrative law judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. At all relevant times, Petitioner's household included a daughter with a date of birth of [REDACTED] (hereinafter "Child").
2. On April 3, 2018, Petitioner applied for FIP benefits.
3. On April 27, 2018, MDHHS denied Petitioner's FIP application.
4. On May 8, 2018, Petitioner reapplied for FIP benefits.
5. On May 22, 2018, MDHHS received information concerning Child's school enrollment which stated that Child was not regularly attending.

6. On May 23, 2018, Petitioner's specialist contacted Child's school and spoke with the assistant principal's secretary. Petitioner's specialist documented that Child was not regularly attending school and that Child's guidance counselor was notified. (Exhibit A, p. 20)
7. On May 23, 2018, MDHHS denied Petitioner's FIP application dated May 8, 2018, due to Child's noncompliance with school attendance requirements. (Exhibit A, pp. 12-14)
8. On May 24, 2018, Petitioner requested a hearing to dispute FIP eligibility.

CONCLUSIONS OF LAW

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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request disputed FIP eligibility. Petitioner testified that she intended to dispute a FIP application denial dated April 3, 2018. As it happened, Petitioner requested a hearing shortly following the denial of a FIP application dated May 8, 2018; MDHHS prepared for the hearing intending to defend the denial of Petitioner's later application. Despite Petitioner's hearing request ambiguity, the analysis will consider whether MDHHS properly denied Petitioner's FIP applications dated April 3, 2018, and May 8, 2018.

The notice corresponding to Petitioner's later application denied Petitioner's eligibility due to Petitioner's failure to verify school attendance for Child. The basis for denying Petitioner's later application is a factor in Petitioner's earlier FIP eligibility; thus, the later denial basis will be accepted as the basis for denying Petitioner's application dated April 3, 2018.

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. 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. BEM 245 (January 2018) p. 1.

MDHHS presented documentation signed by Child's school's assistant principal on May 16, 2018, concerning Child's school attendance (Exhibit A, pp. 18-19). The documentation checked that Child was "not regularly attending". The documentation was consistent with a collateral contacted documented by Petitioner's specialist with a secretary of Child's school (see Exhibit A, p. 20). The documentation was also

consistent with a report card brought by Petitioner to the hearing which stated that Child had missed math class 36 times and an English class 38 times.

Given the evidence, it cannot be stated that Child was attending school as required by MDHHS policy. As Child was ■ years old at the time of not attending school, Child's irregular school attendance rendered Petitioner to be wholly ineligible for FIP benefits. Thus, the denial of each of Petitioner's FIP applications was proper.

DECISION AND ORDER

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly denied Petitioner's FIP applications dated April 3, 2018, and May 8, 2018. The actions taken by MDHHS are **AFFIRMED**.

CG/



Christian Gardocki

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) 763-0155; 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

Vivian Worden
MDHHS-Macomb-36-Hearings

Petitioner

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