



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

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Date Mailed: April 28, 2021
MOAHR Docket No.: 21-000424
Agency No.: ██████████
Petitioner: ██████████

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 March 4, 2021. ██████████ the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Jessica Kirchmeier, Hearing Coordinator (HC).

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-39.

ISSUE

Did the Department properly deny Petitioner's application for the Family Independence Program (FIP)?

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 ██████████ 2020, Petitioner applied for FIP. The household members were Petitioner and her two children, ██████████ (date of birth ██████████2005) and ██████████ (date of birth ██████████1988). (Exhibit A, p. 9-15)
2. On November 23, 2020, a Verification Checklist was issued to Petitioner, in part requesting verification of school attendance for ██████████ with a due date of December 3, 2020. (Exhibit A, pp. 16-20)
3. On December 3, 2020, an interview was completed with Petitioner. (Exhibit A, pp. 21-23)

4. On December 3, 2020, the Department received the verification of school attendance, which indicated Petitioner's son attends sometimes. (Exhibit A, pp. 26-27)
5. On January 4, 2021, a Notice of Case Action was issued denying FIP because Petitioner's son was not attending school regularly. (Exhibit A, pp. 28-32)
6. On January 14, 2020, Petitioner filed a hearing request contesting the Department's determination asserting that son attends school full time. A new verification of student status was included. (Exhibit A, pp. 7-8 and 37-39)

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.

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. BEM 245, September 1, 2020, p. 1.

In this case, Petitioner applied for FIP on [REDACTED] 2020. The household members were Petitioner and her two children, [REDACTED] (date of birth [REDACTED] 2005) and [REDACTED] (date of birth [REDACTED] 1988). (Exhibit A, p. 9-15) On November 23, 2020, a Verification Checklist was issued to Petitioner, in part requesting verification of school attendance for [REDACTED] with a due date of December 3, 2020. (Exhibit A, pp. 16-20) On December 3, 2020, the Department received the verification of school attendance, which indicated Petitioner's son attends sometimes. (Exhibit A, pp. 26-27) Petitioner's son was 15 years old at that time. Accordingly, on January 4, 2021, a Notice of Case Action was issued denying FIP because Petitioner's son was not attending school regularly. (Exhibit A, pp. 28-32)

Petitioner asserted that [REDACTED] was attending school regularly. Petitioner provided a new verification of student status with her hearing request. (Exhibit A, pp. 7-8 and 37-39; Petitioner Testimony) However, the verification of school attendance the Department had at the time of the December 3, 2020 determination was marked that Petitioner's son was not attending regularly at that time. (Exhibit A, pp. 26-27) Further, the updated verification of school attendance submitted to the Department with the January 14, 2020 hearing request also stated that the absences had gone down in the past few weeks.


(Exhibit A, p. 37) This supports that at the time of the December 3, 2020 verification, Petitioner's son was not considered to be attending regularly.

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 Petitioner's application for FIP.

DECISION AND ORDER

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

CL/ml



Colleen Lack
Administrative Law Judge
for Elizabeth Hertel, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Jessica Kirchmeier
Eaton County DHHS – via electronic mail

G. Vail – via electronic mail

B. Cabanaw – via electronic mail

Petitioner

██████████ – via first class mail
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