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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: August 4, 2022
MOAHR Docket No.: 22-002860
Agency No.: ■■■■■■■■■■
Petitioner: ■■■■■■ ■■■■■■, ■■.

ADMINISTRATIVE LAW JUDGE: Danielle Nuccio

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 August 1, 2022. The Petitioner appeared and represented himself. The Department of Health and Human Services (MDHHS) was represented by Khaled Abou-Elazm, Case Manager.

ISSUE

Did MDHHS properly deny Petitioner’s ■■■■■■ 2022 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 ■■■■■■ 2022, Petitioner submitted an application for FIP, Food Assistance Program (FAP) benefits, and State Emergency Relief (SER) (Exhibit A, pp. 8-11).
2. On April 29, 2022, MDHHS issued a Verification Checklist (VCL) to Petitioner, requesting that Petitioner submit verification of ■■■■■■ ■■■■■■, ■■.’s (Son) school attendance to MDHHS by May 9, 2022. Son was 16 years old at the time of application (Exhibit A, pp. 12-16).
3. On ■■■■■■ 2022, MDHHS denied Petitioner’s FIP application for failure to return the requested verification of school enrollment for Son (Exhibit A, p. 3).
4. On July 1, 2022, MDHHS received Petitioner’s timely submitted request for hearing to dispute the denial of his FIP application (Exhibit A, pp. 4-6).

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, Petitioner requested a hearing regarding the denial of his [REDACTED] 2022 FIP application for failure to return verification of Son's enrollment in school.

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 16 or 17 who is not attending high school full-time is disqualified from the FIP group. BEM 245 (April 2021), p. 1. MDHHS must verify school enrollment and attendance at application beginning when a child is age 7 and verify school enrollment and attendance at application, redetermination and at each birthday beginning with age 16. MDHHS must verify the completion and results of the 21-day attendance requirement for dependent children or minor parents at FIP application. BEM 245, p. 11. The client must obtain required verification, but the local office must assist if they need and request help. BAM 130 (January 2022), p. 3. If the time period given to provide verifications has elapsed and the client has not made a reasonable effort to provide it, then a negative action notice must be sent. BAM 130, p. 7.

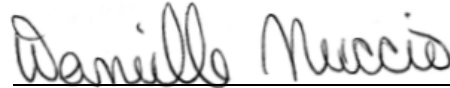
In this case, Petitioner testified that he did not submit verification of Son's enrollment in school to MDHHS until July 3, 2022. Petitioner testified that at the time of the FIP application, and subsequent VCL being issued, Son was not enrolled in school. Therefore, Petitioner was not eligible for FIP because his dependent child did not meet the requirements of full-time school attendance. Since Petitioner did not provide verifications timely and was not eligible for FIP, MDHHS acted in accordance with policy in denying Petitioner's [REDACTED] 2022 FIP application.

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 MDHHS acted in accordance with Department policy when it denied Petitioner's FIP application.

DECISION AND ORDER

Accordingly, MDHHS' decision is **AFFIRMED**.

DN/mp



Danielle Nuccio

Administrative Law Judge

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

Via-Electronic Mail :

DHHS
MDHHS-Macomb-20-Hearings
B. Sanborn
MOAHR
BSC4

Via-First Class Mail :

Petitioner
[REDACTED] [REDACTED] [REDACTED].
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] MI [REDACTED]