



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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██████, MI ██████

Date Mailed: July 7, 2023  
MOAHR Docket No.: 23-002877  
Agency No.: ██████████  
Petitioner: ██████████ ██████████

**ADMINISTRATIVE LAW JUDGE:** Aaron McClintic

**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 June 20, 2023, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Brad Reno Hearing Facilitator. Department Exhibit A, pp. 1-156 was received and admitted. Petitioner's exhibits 1-3, were received and admitted.

**ISSUE**

Did the Department properly determine Petitioner's Family Independence Program (FIP) eligibility?

**FINDINGS OF FACT**

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Petitioner testified at hearing that she was satisfied with the Department actions regarding her SER and FAP applications and benefits and that the only program in dispute was FIP.
2. On ██████████ 2022, Petitioner applied for FIP benefits.
3. On January 13, 2023, a Verification Checklist was sent to Petitioner requesting verification of school attendance for ██████████ and ██████████ (Ex. 1, pp. 68-70)
4. On January 20, 2023, a completed Verification of Student Information was received for ██████████ but was found to be insufficient. No Verification of Student Information for ██████████ was received.

5. On February 2, 2023, Notice of Case Action was sent to Petitioner informing her that her FIP application was denied because verification of school attendance was not received for [REDACTED] and [REDACTED] (Ex. 1, pp. 77-83)
6. On [REDACTED] 2023, Petitioner applied for FIP.
7. On February 14, 2023, Petitioner's children were placed in foster care.
8. On March 2, 2023, Notice of Case Action was sent to Petitioner informing her that her FIP application was denied because no group member was an eligible child. (Ex. 1, pp. 95-100)
9. On March 20, 2023, Petitioner requested hearing.
10. On March 23, 2023, Petitioner requested hearing.
11. On May 9, 2023, Petitioner requested hearing.

### **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.

### **VERIFICATION REQUIREMENTS**

#### **FIP Only**

Accept the client's statement that a 6-year-old is enrolled and attending school full-time unless questionable.

Verify school enrollment and attendance at application and redetermination beginning with age 7.

Verify school enrollment and attendance at application, redetermination and at each birthday beginning with age 16.

Verify school enrollment and attendance for minor parents at application, redetermination and at each birthday.

Verify the completion and results of the attendance compliance test for dependent children or minor parents receiving FIP.

Verify the completion and results of the 21-day attendance requirement for dependent children or minor parents at FIP application. BEM 245 (July 2022)

## **Dependent Child**

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 (July 2021)

In this case, the only program in dispute at the time of hearing was FIP. The December 19, 2022, application was properly denied because no verification of school attendance was submitted for █████ prior to the deadline on the verification checklist. BEM 245 The refusal of the Verification of School Attendance for █████ was not adequately explained, if the verification was unclear then further verification should have been requested instead of it being flatly denied without explanation.

The February 8, 2023, application was properly denied because Petitioner's children had been placed in foster care on February 14, 2023, and there were no eligible children in the home at the time eligibility was run. BEM 210

Petitioner's hearing requests filed on March 20, 2023, and March 23, 2023, were not processed in a timely manner, in part because they were submitted through MIBridges and there was not a clear way to submit a hearing request and they were processed under "other unspecified document". This was not something that was done wrong by the Petitioner and the Department should have a clearer way to submit hearing requests through MIBridges. Unfortunately, the only remedy for an untimely processing of a hearing request is to order immediate processing and eventually the hearing requests were processed.

There was some discussion at hearing about Petitioner's children being placed back in her care and the Department representative encouraged her to reapply for FIP and there was a possibility of FIP being activated if there was a concrete plan for the return of Petitioner's children to her care and all other eligibility requirements were met.


Petitioner raised issues with regard to FIP applications prior to December 2022. The undersigned Administrative Law Judge only has the jurisdiction and authority to address issues that arose within 90 days of the request for hearing so therefore issues prior to December 2022 cannot be addressed. BAM 600

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 FIP applications.

**DECISION AND ORDER**

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

AM/nr

  
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Aaron McClintic  
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**

Janice Collins  
Genesee County DHHS Union St  
District Office  
125 E. Union St 7th Floor  
Flint, MI 48502

**MDHHS-Genesee-UnionSt-  
Hearings@michigan.gov**

**Interested Parties**

Genesee (Union St.) County DHHS  
BSC2  
M. Holden  
D. Sweeney  
B. Sanborn  
MOAHR

**Via-First Class Mail :**

**Petitioner**

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