



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: October 27, 2023
MOAHR Docket No.: 23-005720
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 hearing was held via telephone conference on October 18, 2023. Petitioner participated and was represented. [REDACTED] [REDACTED] Petitioner's children's mother, testified and participated as Petitioner's authorized hearing representative (AHR). The Michigan Department of Health and Human Services (MDHHS) was represented by Corlette Brown, hearings facilitator, and Ashley Worthy, specialist.

ISSUE

The issue is whether MDHHS properly denied Petitioner's 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 [REDACTED] [REDACTED] 2023, Petitioner applied for FIP benefits and reported a household including two children between the ages of 6 and 15 years: [REDACTED] [REDACTED] (hereinafter, "Child1") and [REDACTED] [REDACTED] (hereinafter, "Child2").
2. On August 7, 2023, MDHHS mailed Petitioner a Verification Checklist (VCL) requesting proof of school attendance for Child1 and Child2. Petitioner's due date to return proof was August 17, 2023.

3. On an unspecified date, Petitioner submitted documents to MDHHS stating that Child1 was enrolled with a school but had not attended since at least May 15, 2023.
4. On August 25, 2023, MDHHS denied Petitioner's FIP application due to Child1 not attending school.
5. On September 1, 2023, Petitioner requested a hearing to dispute the denial of FIP benefits.

CONCLUSIONS OF LAW

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

Petitioner requested a hearing to dispute a denial of FIP benefits. Exhibit A, pp. 3-6. Petitioner applied for FIP on [REDACTED] 2023. Exhibit A, pp. 9-18. A Notice of Case Action dated August 25, 2023, stated that FIP was denied due to Petitioner's failure to verify school attendance for Child1 and Child2.¹ Exhibit A, pp. 35-38.

Dependent children are expected to attend school full-time, and graduate from high school or a high school equivalency program, to enhance their potential to obtain future employment leading to self-sufficiency. BEM 245 (July 2023) p. 1. A dependent child aged 6 through 15 must attend school full-time. *Id.* If a dependent child aged 6 through 15 is not attending school full-time, the entire FIP group is not eligible. *Id.*

MDHHS mailed Petitioner a Verification Checklist (VCL) on August 17, 2023, requesting proof of school enrollment for Child1 and Child2. Exhibit A, pp. 27-29. On an unspecified date, Petitioner returned a document to MDHHS stating that Child1 was enrolled in a school but had not attended since at least May 15, 2023. MDHHS did not offer the document as an exhibit, but neither Petitioner nor Child1's mother denied the evidence. Child1's failure to attend school since May 15, 2023, is consistent with failing to attend school full-time.

Petitioner applied for FIP benefits in the summer. Perhaps Child1's failure to attend school could have been overcome by updated school enrollment documents. However,

¹ The notice also stated that Petitioner failed to verify a residential address and that the group was not eligible due to income. MDHHS did not allege these as reasons for denial during the hearing and will be assumed as improper reasons for closure.

Petitioner failed to provide MDHHS with updated school attendance for Child1 before the application was denied.²

As of the denial, Child1 was between the age of 6 and 15 years. Child1's lack of school attendance rendered the entire group ineligible for FIP. Thus, MDHHS properly denied Petitioner's FIP application dated [REDACTED] 2023.³

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 application dated [REDACTED] 2023. The actions by MDHHS are **AFFIRMED**.

CG/nr



Christian Gardocki
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

² Petitioner submitted to MDHHS updated school attendance documents for Child1 and Child2 on September 11, 2023. Petitioner's submission after denial was too late to resurrect the application.

³ Petitioner reapplied for FIP benefits on [REDACTED] 2023. Exhibit A, pp. 40-49. Petitioner can again request a hearing if dissatisfied with the outcome of that application.

Via-Electronic Mail :

DHHS

Corlette Brown
Wayne-District 31 (Grandmont)
17455 Grand River
Detroit, MI 48227

**MDHHS-Wayne-31-Grandmont-
Hearings@Michigan.gov**

Interested Parties

Wayne 31 County DHHS
BSC4
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
MI [REDACTED]