



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], MI [REDACTED]

Date Mailed: February 20, 2024  
MOAHR Docket No.: 24-000369  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Danielle R. Harkness**

### **HEARING DECISION**

On January 3, 2024, Petitioner, [REDACTED] [REDACTED] requested a hearing to dispute the Department's decision to deny her application for Family Independence Program (FIP) cash assistance benefits. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 7 CFR 273.15, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on February 14, 2024. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Melissa Stanley, Hearings Facilitator, and Joseph Bouchard, Family Independence Specialist.

### **ISSUE**

Did the Department properly deny Petitioner's application for FIP cash assistance when it determined that Petitioner's group was not compliant with school attendance requirements?

### **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 cash assistance.
2. On November 22, 2023, the Department mailed to Petitioner a Verification Checklist and a Verification of Student Information for each of Petitioner's children. The form instructed Petitioner to verify the school attendance for each of Petitioner's children by December 4, 2023.
3. On December 14, 2023, verification of school attendance for 3 of Petitioner's 5 children was received by the Department. For 2 of Petitioner's children, it was

reported that the children are enrolled full-time and regularly attend school. However, for Petitioner's ■ year-old son, it was reported that he was enrolled as a half-time student and was attending school sometimes.

4. On December 19, 2023, the Department contacted the school where Petitioner's other 2 children attend, and it was verified that both children are enrolled full-time and regularly attend school.
5. On December 26, 2023, the Department mailed a Notice of Case Action to Petitioner to notify her that her application for FIP cash assistance was denied because her ■ year-old son was not compliant with school attendance requirements.
6. On January 3, 2024, Petitioner requested a hearing to dispute the Department's denial.

### **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 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, the Department denied Petitioner's request for FIP cash assistance because the Department determined that Petitioner's group was not compliant with school attendance requirements. Petitioner is disputing the denial.

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. BEM 245 (July 1, 2023), p. 1. Dependent children ages 6 through 17 must attend school full-time. *Id.* The Department is required to verify school enrollment for each child beginning at age 7 when an application for FIP is received. *Id.* at p. 11. Acceptable verification includes a completed DHS-3380 verification of student information form, verification of the organized educational program used for home schooling, telephone contact with the school, and other acceptable documentation that is on official business letterhead. *Id.* at pp. 11-12.

A dependent child aged 6 through 15 must attend school full-time. If a dependent child aged 6 through 15 is not attending school full-time, the entire Family Independence Program (FIP) group is not eligible to receive FIP. *Id.* at p. 1.

Based on the evidence presented, the Department properly denied Petitioner's request for FIP cash assistance because verification for Petitioner's ■■■ year-old son reported that he was enrolled as a half-time student and was attending school sometimes.

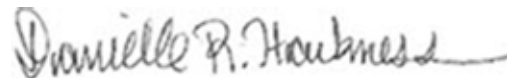
Petitioner asserted that this information is incorrect. Petitioner contacted the school to obtain corrected information but was unable to receive anything from the school until January 2024 due to the school being closed during a holiday break. Petitioner did not present any evidence that the Department improperly denied her application for FIP cash assistance based on the information that was provided to the Department at the time of the December 26, 2023, Notice of Case Action.

### **DECISION AND ORDER**

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 its policies and the applicable law when it denied Petitioner's application for FIP cash assistance.

IT IS ORDERED the Department's decision is **AFFIRMED**.

DH/nr



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**Danielle R. Harkness**  
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**  
Elisa Daly  
Saginaw County DHHS  
411 East Genesee  
Saginaw, MI 48607  
**MDHHS-Saginaw-  
Hearings@michigan.gov**

**Interested Parties**  
Saginaw County DHHS  
BSC2  
B. Sanborn  
MOAHR

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]