

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant

Reg. No.: 2008-25195

Issue No.: 1003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

July 30, 2009

Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was conducted in Detroit, Michigan on July 30, 2009. The Claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department.

ISSUE

Whether the Department properly closed Claimant's Family Independence Program ("FIP") benefits based on lack of cooperation with Child Support?

FINDINGS OF FACT

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

1. Claimant was an active FIP recipient.
2. Claimant testified that she spoke with Office of Child support and provided the requested information in November of 2007.

3. Claimant testified that she spoke with the office of child support in December of 2007 and confirmed that the information had been submitted to the local DHS office.
4. Claimant's FIP case was placed into closure effective 12/27/2007 for non cooperation with child support.
5. The Department received a cooperation notice from the office of child support on 1/2/08. (Exhibit 1, p. 2).
6. Claimant testified that she attempted to contact her case worker by telephone without success of the next couple months.
7. Claimant reapplied for FIP benefits on 3/4/08. The benefits were approved effective 4/1/08.
8. On March 24, 2008, the Department received the Claimant's written request for a hearing protesting the negative action and case closure.

CONCLUSIONS OF LAW

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services, formally known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children ("ADC") program effective October 1, 1996. Department policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

Clients must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance,

unless a claim of good cause for not cooperating has been granted or is pending. PEM 255, p. 1 Failure to cooperate without good cause results in disqualification. PEM 255, p. 1 If good cause exists, cooperation is excused as an eligibility requirement for the child involved. PEM 255, p. 2

The Claimant testified credibly that that she contacted the Child Support Specialist at the Michigan Office of Child Support in November of 2008 and provided the requested information. The Claimant further testified that she followed up with the office of child support to confirm that the information had been submitted. Moreover, the fact that the cooperation notice was sent within five days after Claimant's case closed, lends credence to Claimant's account. Accordingly, the Department's removal of the Claimant from the FIP case for noncompliance with child support is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly removed Claimant from the FAP and FIP groups for noncooperation.

Accordingly, it is Ordered:

1. The Department's closure of the Claimant from the FIP case effective 12/27/07 is REVERSED.
2. The Department shall delete the negative action of 12/27/07, and supplement the Claimant for any lost benefits she was otherwise entitled to receive in accordance with department policy.

/s/

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 09/03/09

Date Mailed: 09/08/09

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JV/jlg

cc:

