

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Claimant

Reg. No.: 2009-4376
Issue No.: 1003
Case No.:
Load No.:
Hearing Date:
May 3, 2010
Wayne County DHS (35)

ADMINISTRATIVE LAW JUDGE: Michael J. Benmane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 3, 2010. The Claimant personally appeared and testified.

ISSUE

Did the Department properly deny the Claimant's Family Independence Program (FIP)?

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 June 24, 2008, the claimant applied for FIP.
2. On June 24, 2008, the department denied the claimant's FIP.
3. On September 11, 2008, the department sent a cooperation notice. (Department exhibit 2).

4. On September 24, 2008, the department sent the claimant a notice of the denial of her FIP application. (Department exhibit 1).
5. On October 2, 2008, the department was sent a notice of cooperation with child support. (Department exhibit 3).
6. On October 27, 2008, the claimant filed a request for a hearing.

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 (formerly 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).

FIP, CDC Income Eligible, MA and FAP

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)

The Department received information that the Claimant had failed to cooperate with the office of child support. The evidence shows that there was conflicting information concerning her cooperation with child support.

The office of child support was unavailable and therefore unable to provide any evidence. Therefore, the undersigned finds that the Claimant was never in noncompliance with the Office of Child Support.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that the Department erred in closing the Claimant's FIP and REVERSES and ORDERS the Department to reinstate her FIP back to its closure and replace any lost benefits.



Michael J. Bennane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 6/7/2010

Date Mailed: 6/7/2010

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 90 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.

MJB/jlg

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