

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: 2009-15100  
Issue No: 1025  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
May 12, 2010  
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on February 2, 2009. After due notice, a telephone hearing was held on Wednesday, May 12, 2010. The Claimant speaks Spanish only, and the Department provided a translator.

ISSUE

Whether the Department of Human Services (Department) properly denied the Claimant's application for Family Independence Program (FIP) benefits?

FINDINGS OF FACT

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

- (1) The Claimant applied for FIP benefits on December 2, 2008.
- (2) Spanish is the sole language spoken by the Claimant.

(3) On December 25, 2008, the Department sent Claimant notice that her failure to cooperate with the Office of Child Support will result in the closure of her benefits. This form was in English only. Department Exhibit 10.

(4) On January 6, 2009, the Department documented the Claimant's attempts to resolve the problems with her FIP application, and told the Claimant to keep trying. Department Exhibit 10A.

(5) On January 16, 2009, the Department denied the Claimant's FIP application.

(6) The Department received the Claimant's request for a hearing on February 2, 2009, protesting the denial of her FIP application.

#### 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 (DHS or Department) 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

The Department denied the Claimant's FIP application because the Office of Child Support claimed noncompliance. The Claimant is the mother of the children in question, and the father of some of the children could not be located. The Claimant testified that she has provided the Office of Child Support with the identity of her children's father. The Claimant also testified that she was unable to understand the notice of non-cooperation the Department sent her, which was written in English only and partially completed.

The office of child support was unavailable and therefore unable to provide any evidence to the contrary.

This Administrative Law Judge finds that the Department has failed to establish that the Claimant has failed to reasonably cooperate with the Department in its efforts to identify the father of the Claimant's children.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not met its burden of proof that the Claimant failed to cooperate with the Office of Child Support. The Department has not established that it acted in accordance with policy in denying the Claimant's FIP application.

The Department's FIP eligibility determination is REVERSED. It is SO ORDERED.

The Department shall:

1. Reprocess the Claimant's FIP application and determine her eligibility as of December 2, 2009.
2. Issue the Claimant supplemental benefits she may be entitled to, if any.
3. Notify the Claimant in writing of the Department's revised determination.

/s/  
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Kevin Scully  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: May 20, 2010

Date Mailed: May 21, 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 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.

KS/vc

cc:

