

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: 2009-15294

Issue No: 1025; 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

June 4, 2009

Genesee County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on June 4, 2009. Claimant appeared and testified.

ISSUES

(1) Did the Department of Human Services properly sanction Claimant's Family Independence Program (FIP) case for failure to cooperate in establishing paternity or securing support?

(2) Did the Department of Human Services properly sanction Claimant's Food Assistance Program (FAP) case for failure to cooperate in establishing paternity or securing 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 ongoing recipient of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.

(2) On January 15, 2009, the Office of Child Support issued Claimant a Non-Cooperation Notice. The notice stated that Claimant had failed to respond to two letters sent to Claimant. The Notice used Claimant's maiden name and was sent to an address which was approximately 6 months outdated.

(3) On January 30, 2009, Claimant's current caseworker sent Claimant a notice that she needed to contact the Child Support Specialist and provided a telephone number to contact.

(4) On February 9, 2009, Claimant's caseworker got an Email stating Claimant had not contacted him and to apply the sanction.

(5) On February 11, 2009, Claimant was sent Notice of Case Action (DHS-1605) regarding her Family Independence Program (FIP) and Food Assistance Program (FAP).

(6) On February 17, 2009, Claimant submitted timely hearing requests for both programs.

(7) On February 19, 2009, Claimant had still not contacted the Child Support Worker.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

During the hearing Claimant testified she never received any papers from the Office of Child Support. The Office of Child Support sent the Notice to Claimant using her maiden name and a 6 month old address. However, Claimant's caseworker sent Claimant a Benefit Notice Form (DHS-176) that simply stated she needed to contact her child support worker, Ms. Palmer at [REDACTED]. Even after receiving full and adequate notice that he benefits would be impacted for failure to establish paternity or secure child support, Claimant did not contact the Child Support Specialist.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly sanctioned Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) cases for failure to cooperate in establishing paternity or securing support.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 8, 2009

Date Mailed: June 10, 2009

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.

GFH 

cc:

