

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: 2009-15307
Issue No: 1025
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
April 7, 2009
Menominee County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 held on April 7, 2009. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Family Independence Program (FIP) benefits based upon its determination that claimant failed to comply 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 a Family Independence Program benefit recipient receiving [REDACTED] per month in Family Independence Program benefits.

(2) On December 12, 2008, the Office of Child Support sent claimant a first customer contact letter requesting information about the father of claimant's child who was born [REDACTED] with no established paternity.

(3) On January 15, 2009, a second customer letter was sent to claimant again requesting information about her child's father.

(4) Claimant did not provide any information about the child's father stating that she does not know who the father is. Claimant stated that she worked in a bar and had a one-night stand and the guy was from out of town and she found out she was pregnant five months later. Claimant stated that she was drunk and doesn't even know his first name.

(5) Claimant was determined to be noncompliant with the Office of Child Support.

(6) On February 26, 2009, the department caseworker sent claimant notice that her Family Independence Program benefits would be cancelled based upon her failure to comply with child support.

(7) On February 27, 2009, claimant filed a request for a hearing to contest the department's negative action.

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).

Department philosophy indicates that families are strengthened when children's needs are met. Parents have the responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support, the Friend of the Court and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. 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, Item 255, pg 1. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits and/or case closure depending upon the program. Exceptions to the cooperation requirement are allowed for all child support actions except failure to return court-ordered support payments received after the payment effective date. Grant good cause only if requiring cooperation/support action is against the child's best interest and there is a specific good cause reason. PEM, Item 255, pg 1-2.

There are two types of good cause:

- . Cases in which establishing paternity/securing support would harm the child. Do not require cooperation/support action in any of the following circumstances.
 - .. Where the child was conceived due to incest or forcible rape,
 - .. Where legal proceedings for the adoption of the child are pending before a court, and
 - .. The client is currently receiving counseling from a public or licensed private social agency to decide if the child should be released for adoption, and the counseling has not gone on for more than three months.

- . Cases in which there is danger of physical or emotional harm to the child or client. Physical or emotional harm may result if the client or child has been subject to or is in danger of:
 - .. Physical acts that resulted in, or threatened to result in, physical injury,
 - .. Sexual abuse,
 - .. Sexual activity involving a dependent child,
 - .. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities,
 - .. Threats of, or attempts at, physical or sexual abuse,
 - .. Mental abuse, and
 - .. Neglect or deprivation of medical care. PEM, Item 255, pp. 2-3.

This Administrative Law Judge finds that claimant does not have good cause for failure to provide information about her child's father. Even if what claimant states is true, in that she does not know the man's name, location and has only seen him one time because of a one-night stand, lack of knowledge is not an established good cause reason in policy for failure to provide information. Therefore, this Administrative Law Judge finds that the department has established by the necessary competent, material and substantial evidence in the record that it was acting in compliance with department policy when it proposed to cancel claimant's Family Independence Program benefits because claimant did not provide information about the paternity of her child. Claimant did not establish good cause for her failure to provide information about the paternity of her child. Therefore, the department's actions must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has appropriately established on the record that it was acting in compliance with department policy when it proposed to cancel claimant's Family Independence Program benefits based upon its determination that claimant did not provide good cause for her failure to provide information about the paternity of her child and did not provide any information about the paternity of her child.

According, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 16, 2009

Date Mailed: April 16, 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 90 days of the filing of the original request.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

LYL/vmc

cc:

