

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: 2009-25584
Issue No: 1003; 3002
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 15, 2009
Van Buren County DHS

ADMINISTRATIVE LAW JUDGE: Ivona Rairigh

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 July 15, 2009. Claimant personally appeared and testified.

ISSUE

Did the department failed to determine if the claimant is entitled to a refund of child support payments due to her request to close her Family Independence Program (FIP) benefits so she could receive such payments?

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 recipient of FIP in May, 2009 when she called to request her case be closed as the absent parent was payment more in child support than she was receiving in such benefits.

2. Claimant FIP case was closed effective June 1, 2009. Department performed a child support inquiry and recalculated claimant's FAP benefits with such income, and new FAP benefit amount is \$1,202.

3. Claimant requested a hearing on June 1, 2009 stating she wants her child support.

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).

Claimant was a recipient of FIP, and as such had to assign all rights to past, current and future child support paid to the state as a condition of FIP eligibility. PEM 255, p. 1. Claimant did so, but then requested her FIP case be closed as she states the absent parent was paying more support than her FIP grant was. Claimant testified that she feels she is entitled to a child support refund of the money exceeding her FIP grant prior to June 1, 2009. Hearing Summary states that the claimant was advised over the phone to contact Office of Child Support (OCS) Specialist Peter Bec to find out when the support is decertified. Claimant states she has not done so. Child support is handled through Friend of the Court, entity this Administrative Law Judge has no jurisdiction over, and then sent to the state through OCS. What the claimant may be entitled to from the child support paid versus FIP grant she received is something she must contact OCS about, as she had already been advised to do. Department's representative at the hearing will

give the claimant the OCS Specialist's telephone number so that she can find out if she is indeed entitled to additional child support due to FIP case closure.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department did not fail to determine if the claimant is entitled to a refund of child support payments due to her request to close her FIP case, as the claimant must contact OCS to clarify this matter and was previously advised to do so but did not.

Accordingly, department's action is AFFIRMED, and it is SO ORDERED.

/s/ _____
Ivona Rairigh
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: July 21, 2009

Date Mailed: July 21, 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.

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.

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