

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg No.: 200926661
Issue No.: 1003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: July 7, 2010
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on July 7, 2010. On behalf of Department of Human Services (DHS), Constance Lyons, Specialist, and Tanisha Carter, Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits due to Claimant's alleged failure to cooperate with obtaining 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 an ongoing FIP benefits recipient.
2. Claimant was an ineligible grantee responsible for the care of five grandchildren.
3. Claimant received notice from the child support unit (CSU) regarding information concerning Claimant's granddaughter, [REDACTED].
4. Claimant left several voicemail messages in response to the inquiries from CSU.

5. Claimant's benefits specialist received a notice dated 2/28/09 from CSU that Claimant was not cooperating with obtaining child support. Exhibit 1.
6. On 3/11/09, DHS terminated Claimant's FIP benefits due to Claimant's alleged failure to cooperate with obtaining child support for [REDACTED]; the effective date of the benefits termination was for 4/1/09.
7. Claimant submitted a hearing request on 5/18//09 disputing the termination of her FIP benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

BEM 255 outlines the requirements for client cooperation with obtaining child support. It reads, "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." Failing to cooperate with obtaining child support results in closure of FIP benefits. Id. at 10.

In the present case, DHS received a notice (Exhibit 1) from the Child Support Unit (CSU) that Claimant was not cooperating with obtaining child support for her granddaughter. In response to the notice, DHS properly terminated Claimant's FIP benefits. The actions of the DHS specialist are supported by policy. However, the FIP benefit termination can only stand if the underlying finding that Claimant was uncooperative with obtaining child support was correct.

Claimant was contacted by the CSU concerning information about her granddaughter, [REDACTED]. Per an email from CSU (Exhibit 3), information concerning [REDACTED] mother and father was sought. Claimant credibly testified that she contacted the CSU with as much information about [REDACTED] mother and father as she knew. DHS was unable to provide any evidence to rebut Claimant's testimony. The specialist assigned to Claimant's child support issue was contacted during the hearing but not available. It is found that DHS failed to establish that Claimant was uncooperative in obtaining child support for her granddaughter.

Without the finding of non-cooperation in obtaining child support, DHS had no basis to terminate Claimant's FIP benefits. Accordingly, it is found that DHS improperly terminated Claimant's FIP benefits.

DECISION AND ORDER

The actions taken by DHS are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly terminated Claimant's FIP benefits.

It is ordered that DHS reinstate Claimant's eligibility for FIP benefits beginning with 4/1/09. DHS is further ordered to supplement Claimant for any lost FIP benefits and to remove any record of child support disqualification associated with [REDACTED].



Christian Gardocki
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 07/16/10

Date Mailed: 07/20/10

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.

CG/

cc:

[REDACTED]