

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.: 2010-28012
Issue No.: 3005/1003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 15, 2010
Macomb County DHS (12)

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 conducted from Detroit, Michigan on April 15, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

1. Whether Claimant submitted an Assistance Application (DHS-1171) for Food Assistance Program (FAP) benefits in 8/2009.
2. Whether DHS properly closed Claimant's Family Independence Program (FIP) benefits effective 3/19/10 for Claimant's 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 recipient.

2. Claimant lives in a household of two, herself and a child.
3. Claimant was contacted by a DHS Child Support Specialist approximately 10/2009 regarding paternal information for Claimant's child.
4. The father of Claimant's child is [REDACTED].
5. On 11/4/09, Claimant submitted a Redetermination (DHS-1010) listing [REDACTED] as a household member.
6. Claimant listed [REDACTED] as a household member even though he was not in Claimant's household.
7. Claimant listed [REDACTED] to avoid the requirement to cooperate with child support.
8. Claimant did not report to DHS monthly income of approximately \$569 received from [REDACTED] in child support.
9. DHS closed Claimant's FIP benefits effective 3/19/10 due to Claimant's failure to cooperate with child support.
10. Claimant claims that she submitted a DHS-1171 requesting FAP benefits sometime in 8/2009.
11. DHS has no record of a DHS-1171 from Claimant in 8/2009.
12. Claimant submitted a hearing request on 3/12/10 disputing closure of FIP benefits and the non-action by DHS regarding Claimant's alleged 8/2009 Assistance Application for FAP benefits.

CONCLUSIONS OF LAW

FIP Benefits

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, Claimant admits to not providing paternity information necessary to establish child support. Claimant testified that she purposely misreported that her child’s father, [REDACTED], was in the household in an attempt to avoid child support participation and purposely failed to report income received from [REDACTED]. DHS properly imposed a child support penalty in 3/2010 due to Claimant’s failure to cooperate with child support. As stated above, FIP closure is appropriate under BEM 255 as part of a child support cooperation penalty. It is found that DHS correctly closed Claimant’s FIP benefits in 3/2010 due to Claimant’s failure to cooperate with child support.

FAP Benefits

The Food Assistance Program (formerly known as the Food Stamp 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 (formerly known as the Family Independence Agency) administers the FAP

program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant contends that she submitted a DHS-1171 requesting FAP in 8/2009. Claimant's contention is not persuasive.

Claimant admits misleading DHS regarding her household members and income. Claimant's eventual truthfulness is commendable, it was also overdue. The undersigned has difficulty finding Claimant to be credible based on her other misrepresentations to DHS.

Further, Claimant should have discovered that DHS had no record of an 8/2009 DHS-1171 prior to her hearing request submitted in 3/2010. Waiting seven months to appeal the DHS decision (or lack of) regarding FAP benefits is not found to be reasonable or believable. It is found that DHS did not receive a DHS-1171 from Claimant in 8/2009 requesting FAP benefits.

Claimant is not prevented by this decision from reapplying for FIP and FAP benefits. It is recommended that Claimant do so and to fully report her circumstances.

DECISION AND ORDER

The actions taken by DHS are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly did not process FAP benefits for Claimant due to Claimant's failure to submit a DHS-1171 and properly closed Claimant's FIP benefits in 3/2010.



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

Date Signed: 4/21/2010

Date Mailed: 4/21/2010

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.

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