

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

IN THE MATTER OF:



Reg. No: 201044492
Issue No: 1003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
September 1, 2010
Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on July 9, 2010. After due notice, a telephone hearing was held on Wednesday, September 1, 2010.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) eligibility?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant was an ongoing FIP recipient until July 1, 2010.
2. The Department received notification that the Claimant was non-cooperative with the Office of Child Support on June 1, 2010. Department Exhibit 4.
3. On June 1, 2010, the Department notified the Claimant that she had until June 14, 2010 to resolve the non-cooperation issue with the Office of Child Support. Department Exhibit 3.

4. The Department terminated the Claimant's FIP benefits effective July 1, 2010, for non-cooperation with the Office of Child Support.
5. The Department received the Claimant's request for a hearing on July 9, 2010, protesting 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 (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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255. Any individual required to cooperate, who fails to cooperate without good cause, causes group ineligibility for FIP benefits for a minimum of one month. BEM 255.

The Claimant was on an ongoing FIP recipient when the Department received notice on June 1, 2010, that the Claimant was non-cooperative with the Office of Child Support. The Office of Child Support alleged in its June 1, 2010, letter that the Claimant failed to attend appointments at the Prosecuting Attorney's office on April 6, 2010, April 19, 2010, and May 10, 2010. The Department sent the Claimant a memorandum on June 1, 2010, instructing her to resolve the non-cooperation matter by June 14, 2010. The Department terminated the Claimant's FIP benefits effective July 1, 2010, when the Claimant did not contact the Department by June 14, 2010.

The Claimant argued that she was compliant with the Office of Child Support and the Prosecuting Attorney's office. The Claimant testified that she went to the Prosecuting Attorney's office on May 10, 2010, for her appointment, but that her appointment was rescheduled for June 16, 2010, because the staff member she was scheduled to meet with was away from the office. The Claimant testified that she did attend the June 16, 2010, appointment, and has always been cooperative with the Office of Child Support.

The Department did not present testimony or documentation supporting its allegation that the Claimant was non-cooperative with the Office of Child Support. The Department testified that it terminated the Claimant's FIP benefits based on her failure to verify her compliance with the Office of Child Support before June 14, 2010.

The Claimant established good cause for not providing verification to the Department of her cooperation with the Prosecuting Attorney's office by June 14, 2010, because her meeting at the Prosecuting Attorney's office was rescheduled. The Department has not established that the Claimant should receive a FIP sanction for non-cooperation with the Office of Child Support or the Prosecuting Attorney's office.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not established that the Claimant should receive a FIP sanction for non-cooperation with the Office of Child Support.

Accordingly, the Department's FIP sanction is REVERSED. It is further ORDERED that the Department shall:

1. Initiate a determination of the whether the Claimant cooperated with the Office of Child Support before July 1, 2010.
2. If the Claimant cooperated with the Office of Child Support before July 1, 2010, remove the negative action from the Claimant's case file and initiate a determination of the Claimant's eligibility for FIP benefits as of July 1, 2010.
3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

/S/ _____
Kevin Scully
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 16, 2010

Date Mailed: September 16, 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.

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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.

KS/vc

cc:

