

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

IN THE MATTER OF:



Reg. No: 201045782
Issue No: 1003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
August 31, 2010
Genesee 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 May 14, 2000. After due notice, a telephone hearing was held on Tuesday, August 31, 2010.

ISSUE

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Family Independence Program (FIP) case for noncompliance with the Department's Office of 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. The Claimant received FIP benefits until April 1, 2010.
2. On March 8, 2010, the Department notified the Claimant that it would terminate her FIP benefits for noncompliance with the Office of Child Support.
3. The Department received the Claimant's request for a hearing on May 14, 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes the completion of necessary forms. BAM 105, p. 5. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130, p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level when it is required by policy, required as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130, p. 1. The Department uses documents, collateral contacts, or home calls to verify information. BAM 130, p. 1. A collateral contact is a direct contact with a person, organization, or agency to verify information from the client. BAM 130, p. 2. When documentation is not available, or clarification is needed, collateral contact may be necessary. BAM 130.

Cooperation is a condition of eligibility for FIP benefits for a parent of the child for whom paternity and/or support action is required. BEM 255.

The Claimant was an ongoing FIP recipient when the Department notified her on March 8, 2010, that it would terminate her FIP benefits effective April 1, 2010, for failure to cooperate with the Office of Child Support.

The Department's representative testified that she did not have any personal knowledge of the Claimant's circumstances when her FIP benefits closed because another eligibility specialist was managing her benefits case at that time.

The Department could not offer any documents or testimony supporting the Department's determination that she had refused to cooperate with the Office of Child Support.

Based on the evidence and testimony available at the hearing, the Department has not established that it acted in accordance with policy when it terminated the Claimant's FIP benefits for failure to cooperate with the Department's Office of Child Support.

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 was not cooperative with the Office of Child Support.

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

1. Initiate a determination of whether the Claimant cooperated with the Office of Child Support before April 1, 2010.
2. If the Claimant cooperated with the Office of Child Support before April 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 April 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

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