

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: 201049710
Issue No: 1005
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 20, 2010
Calhoun 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 14, 2010. After due notice, a telephone hearing was held on Wednesday, October 20, 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 August 1, 2010.
2. The Claimant submitted a Claim of Good Cause – Child Support form (DHS-2168) on April 20, 2010. Department Exhibits 1 – 2.
3. On May 6, 2010, the Department's Office of Child Support sent the Claimant notice that it considered the Claimant non-cooperative for failing to respond to letters sent on March 31, 2010, and April 28, 2010. Department Exhibit 3.
4. On April 23, 2010, the Department sent the Claimant a Verification Checklist with a due date of May 7, 2010. The Department requested documentation

supporting her claim of good cause for her noncooperation with the Office of Child Support. Department Exhibits 4 – 5.

5. On May 10, 2010, the Claimant submitted copies of two police reports as supporting documentation for her Claim of Good Cause form. Department Exhibits 6 – 10.
6. On May 25, 2010, the Department determined that the Claimant did not have good cause for her noncooperation with the Office of Child Support. Department Exhibits 1 – 2.
7. On June 28, 2010, the Department sent the Claimant a Verification Checklist with a due date of July 8, 2010. The form instructs the Claimant to contact the Office of Child Support before July 8, 2010. Department Exhibits 11 – 12.
8. On June 22, 2010, the Department notified the Claimant that it would terminate her FIP benefits as of August 1, 2010, for failure to cooperate with the Office of Child Support. Department Exhibits 15 – 21.
9. The Department received the Claimant's request for a hearing on July 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 (RTM), 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. The head of household and the parent of children 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. BEM 255.

A good cause claim must do all of the following:

- Specify the reason for good cause.

- Specify the individuals covered by it.
- Be supported by written evidence or documented as credible. BEM 255.

In this case, the Claimant was an ongoing FIP recipient until August 1, 2010. The Claimant was not cooperating with the Office of Child Support, but claimed that she had good cause for her failure to cooperate. On April 20, 2010, the Claimant submitted a Claim of Good Cause – Child Support form (DHS-2168). On May 6, 2010, the Department's Office of Child Support sent the Claimant notice that it considered the Claimant non-cooperative for failing to respond to letters it sent her on March 21, 2010, and April 28, 2010. On April 23, 2010, the Department sent the Claimant a Verification Checklist with a due date of May 7, 2010. The Department requested documentation supporting her claim of good cause for her noncooperation with the Office of Child Support. On May 10, 2010, the Claimant submitted supporting documentation for her good cause claim. On May 25, 2010, the Department reviewed the Claimant's Claim of Good Cause along with her supporting documentation, and determined that she did not have good cause for her noncooperation with the Office of Child Support. On June 28, 2010, the Department sent the Claimant a Verification Checklist, which instructed her to contact the Office of Child Support before July 8, 2010. When the Claimant did not respond to this Verification Checklist, the Department sent the Claimant notice that it would terminate her FIP benefits as of August 1, 2010.

The Claimant argued that she identified the person she believes to be the father of her child. The Claimant argued testified she had good cause for failing to cooperate further with the Office of Child support due to threats her child's alleged father had made.

The Claimant submitted copies of two police reports. In one of the police reports, the Claimant accuses the alleged father of her child of threatening her over the telephone. In the second police report, the Claimant accuses the alleged father of her child of shoving her.

On May 25, 2010, the Department determined that the Claimant submitted insufficient documentation to support her claimant of good cause for her noncooperation with the Office of Child Support. This Administrative Law Judge finds that the Department's determination that the Claimant has not established good cause for her noncooperation. The Claimant has not established any specific threats to her safety in the future if she were to cooperate with the Office of Child Support.

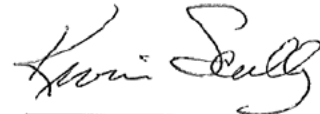
No evidence was presented during the hearing that the Claimant cooperated with the Office of Child Support before June 22, 2010.

Based on the evidence and testimony available during the hearing, the Department has established that it acted properly when it terminated the Claimant's FIP benefits for noncooperation with the 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 acted in accordance with policy in determining the Claimant's FIP eligibility.

The Department's FIP eligibility determination is AFFIRMED. It is SO ORDERED.



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

Date Signed: October 29, 2010

Date Mailed: October 29, 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.

KS/alc

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