

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: 201051199
Issue No: 1003
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
October 6, 2010
Calhoun County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on October 6, 2010. Claimant appeared and testified.

ISSUE

Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) case for failure to cooperate with the 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) Claimant was an ongoing recipient of Family Independence Program (FIP) benefits.
- (2) On June 10, 2010 the Office of Child Support issued a Non-Cooperation Notice on Claimant.
- (3) On June 16, 2010 Claimant was sent a Notice of Case Action (DHS-1605) stating her Family Independence Program (FIP) case would close.
- (4) On June 28, 2010 Claimant submitted a request for hearing.

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) and the Program Reference Manual (PRM).

Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BEM 255 CHILD SUPPORT

DEPARTMENT PHILOSOPHY

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.

DEPARTMENT POLICY

FIP, CDC Income Eligible, MA and FAP

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.

Absent parents are required to support their children. Support includes **all** of the following:

- Child support.
- Medical support.
- Payment for medical care from any third party.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA); see [Support Disqualification](#) in this item.

COOPERATION

FIP, CDC Income Eligible, MA and FAP

Cooperation is a condition of eligibility. The following individuals who receive assistance for themselves or on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required. Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:
 - Contacting the support specialist when requested.
 - Providing all known information about the absent parent.
 - Appearing at the office of the prosecuting attorney when requested.
 - Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining blood tests).

Support Specialist Determines Cooperation

FIP, CDC Income Eligible, MA and FAP

The support specialist determines cooperation for required support actions. The date client fails to cooperate will be populated in the absent parent LUW and negative action is applied the same night automatically; see [Support Disqualification](#).

SUPPORT DISQUALIFICATION

FIP, CDC Income Eligible, MA and FAP

Bridges applies the support disqualification when the date of non-cooperation is entered and there is no good cause entered. The disqualification is not imposed if any of the following occur on or before the timely hearing request date:

- The date individual has cooperated is entered.
- The case closes for another reason.
- The non-cooperative client leaves the group.
- Support/paternity action is no longer a factor in the child's eligibility (for example, the child leaves the group).
- Client cooperates with the requirement to return assigned support payments to DHS and the support is certified.

FIP Disqualification

FIP

Any individual required to cooperate, who fails to cooperate without good cause, causes group ineligibility for a minimum of one month. Bridges will close FIP for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. The disqualification is effective with the first day of a month. Bridges determines continued MA eligibility for all group members as part of the FIP closure process. See [MA Member Disqualification](#) in this item.

CDC Disqualification

CDC Income Eligible

Failure to cooperate without good cause results in ineligibility for CDC. Bridges will close or deny the CDC EDG when a child support noncooperation record exists and there is no corresponding comply date.

MA Member Disqualification

MA

Failure to cooperate without good cause results in disqualification. The individual who failed to cooperate is **not** eligible for MA when both of the following are true:

- The child for whom support/paternity action is required receives MA.
- The individual and child live together.

FAP Member Disqualification

FAP

Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual and their needs are removed from the FAP EDG for a minimum of one month. The remaining eligible group members will receive benefits.

At this hearing Claimant testified that she gave the Office of Child Support everything she knows about her child's father. Claimant testified that she did not know his real name and gave the Office of Child Support his phone number and his grandmother's phone number.

The evidence in this record does not show that Claimant has cooperated 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 the Department of Human Services properly closed Claimant's Family Independence Program (FIP) case for failure to cooperate with the Office of Child Support.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: October 12, 2010

Date Mailed: October 12, 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 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.

GFH/vc

cc:

