

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.: 201017117

Issue No.: 1003

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:

March 18, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted in Detroit, Michigan on March 18, 2010. The Claimant appeared and testified. [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Claimant failed to cooperate with the Department regarding child support resulting in a negative action and closure of Claimant's Family Independence Program ("FIP"), Food Assistance Program ("FAP") and Medical Assistance ("MA") benefits effective 1/14/10?

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 active FIP, FAP and MA recipient.

2. The Department received a non cooperation notice regarding claimant from the Office of Child Support. (Exhibit 1, p. 1).
3. Claimant testified that she received a call from the Office of Child Support and that Claimant and the agent traded voice messages several times.
4. Claimant further testified that she finally received the forms and called back the Office of Child Support with further questions on how to complete the forms. Claimant never received a return phone call.
5. Claimant testified that she does not know the last name of the father of her child.
6. The Department presented no testimony or evidence that Claimant knows the identity of the father of her child.
7. Claimant has provided the Department with the identity of the father of her other children.
8. A negative action was entered in the case and Claimant's case was closed effective 1/14/2010.
9. On January 26, 2010, the Department received the Claimant's written request for a hearing protesting the negative action.

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, formally known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq* and MAC R 400.3101-3131 and the FIP program pursuant to MCL 400.10, *et. seq.* and MAC R 400.3001-3015. The FIP program replaced the Aid to Dependent Children ("ADC") program effective October 1,

1996. The Medical Assistance (“MA”) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (“CFR”). The Department of Human Services, formally known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq* and MCL 400.105. Department policies are found in the Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Reference Tables (“RFT”).

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. BEM 255, p. 1. Failure to cooperate without good cause results in disqualification. BEM 255, p. 1. If good cause exists, cooperation is excused as an eligibility requirement for the child involved. PEM 255, p. 2.

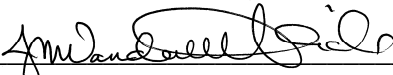
In the present case, the Claimant testified credibly that she does not know the identity of the father and that she provided all information in her possession to the Department. Claimant further testified that she has previously provided information to the Department regarding the father of her other children. The Department did not present any evidence to indicate that Claimant actually knows the identity of the father. Therefore, there was no evidence presented that the Claimant failed to cooperate with any of the Department’s requests. Under this scenario, the Department’s closure of the Claimant’s FIP, FAP and MA cases is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant’s FIP, FAP and MA application.

Accordingly, it is ORDERED:

1. The Department's closure of the Claimant's FIP, FAP and MA cases is REVERSED.
2. The Department shall reopen the Claimant's FIP, FAP and MA cases as of the date of closure, 1/14/10, delete any associated negative action and supplement the Claimant for any lost benefits she was otherwise entitled to receive in accordance with department policy.

/s/ 

Jeanne M. VanderHeide
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 6, 2010

Date Mailed: April 6, 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.

JV/ hw

cc:

