

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.: 2010-51166
Issue No.: 1003
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 27, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 27, 2010. The claimant appeared and testified. [REDACTED], Jet Case Worker appeared for the Department.

ISSUE

Whether the Department properly closed the Claimant's FIP cash assistance case and removed the Claimant from her Food Assistance Program (FAP) as a group member due to non-cooperation with 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 was recipient of into FIP Cash assistance benefits.
2. The claimant's FIP case was closed and her FAP benefits reduced when she was removed from her group as a result of noncompliance with child support and paternity identification. Exhibit 1.
3. The claimant's FIP case closed August 18, 2010 by notice of case action.
4. The claimant was found compliant on September 14, 2010.
5. A review of the claimant's FAP benefits indicates that the department properly reduced the claimant's FAP benefits and calculated the benefits in accordance with policy. The claimant's FAP benefits were reduced to

\$367 per month because her group contained one less member. Exhibit 2 and 3.

6. The department properly closed the claimant's FIP cash assistance benefits due to noncompliance with child support and paternity identification.
7. The sanction was imposed by DHS on August 18, 2010. The Claimant was deemed in cooperation with child support as of September 14, 2010.
8. On August 20, 2010, the Department received the Claimant's hearing request protesting the closure of the FIP cash assistance benefits and the reduction of her FAP 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 (formerly known as the Family Independence Agency) 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 Bridges Program Reference Manual (PRM).

In this matter the Claimant's benefits were affected when she was found to be non-cooperative with the Department in attempting to determine the paternity of her child. The reason for the Department's involvement is based on policy to strengthen families:

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. BEM 255 page 1

Exceptions to cooperation occur when good cause for non cooperation can be shown or requiring cooperation is against the child's best interest.

In the record presented, there was no question that the Claimant was aware that there was a sanction imposed pursuant to BEM 255 for her non cooperation with disclosing the identity of the possible individuals who might be the father of her child. The Claimant also was aware that the sanction against her receiving benefits would be lifted as she had cooperated and provided the requested information regarding paternity. Apparently the Claimant did cooperate and therefore her benefits will be restored as regard her FAP case and she must reapply for FIP cash assistance. At the hearing the Claimant did not confirm any good cause reason which would have excused her from cooperating, nor did she establish any reason that disclosure of paternity and cooperation with the Department's efforts would not be in the best interests of her child. This being the case, the Department's actions were appropriate and must be upheld.

The Department is also responsible to reinstate the Claimant's FAP benefits once the sanctions were lifted on September 14, 2010. Bridges policy provides the following with regard to FAP benefits:

For **FIP and FAP only**, one month disqualification is served before Bridges will restore benefits or reopen.

FAP only

Disqualified member is returned to the eligible group the month after cooperation or after serving the one month disqualification, whichever is later. BEM 255 page 12.

In this case the Claimant was removed from her FAP case on August 18, 2010 and one month disqualification would end in September 16, 2010. However one month after cooperation would be the later date and thus the Claimant should be returned to her FAP group in October 2010. BEM 255 Page 12.

As regards the Claimant's FIP benefits, the Claimant must reapply for FIP after completing her one month disqualification which ended on September 16, 2010 and thus Claimant should and can reapply immediately. BEM 255 id

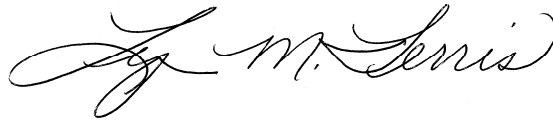
Accordingly, based upon the foregoing facts and relevant law, it is found that the closure of the Claimant's FIP case was correct and is further found that the Department's removal of the Claimant from her FAP case is also correct Therefore, the Department's action is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FIP (cash) and removed her as a group member in accordance with policy on August 18, 2010. The Department's actions are AFFIRMED.

Accordingly, it is ORDERED:

1. The Department's closure of the claimant's FIP case was correct and is AFFIRMED.
2. The Claimant is entitled to re apply for FIP benefits as she has served her one month disqualification.
3. With regard to the claimant's FAP benefits, the Department is required to reinstate the Claimant to her FAP group as a member in October 2010.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 9/29/2010

Date Mailed: 9/29/2010

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 of the rehearing decision.

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