

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: 201112447

Issue No: 1003; 3008

[REDACTED]

February 1, 2011

ADMINISTRATIVE LAW JUDGE: **Kandra Robbins**

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37, 7 CFR 273.16, MAC R 400.3130, and MAC R 400.3178 upon the Claimant's request for hearing. After due notice, a telephone conference hearing was held on February 1, 2011. The claimant was present and testified.

**ISSUE:**

1. Did the Department properly close the Claimant's Family Independence Program (FIP) benefit for Office of Child Support (OCS) non-cooperation?
2. Did the Department properly and sanction the Claimant's Food Assistance Program (FAP) case for Office of Child Support (OCS) non-cooperation?

**FINDINGS OF FACT:**

This Administrative Law Judge, based upon the evidence on the whole record, finds as material fact:

1. The Claimant was receiving FIP and FAP benefits in 2010.
2. The Claimant was sent a First Contact Letter on June 23, 2010 from the OCS. (Department Exhibit 5).
3. She was sent a Final Contact Letter on July 10, 2010 from the OCS. (Department Exhibit 15).
4. The Department received Noncooperation Notice dated July 29, 2010 for the Claimant (Department Exhibit 17).

5. The Claimant was sent a Notice of Case Action on December 6, 2010. (Department Exhibit 18).
6. The Department closed the Claimant's FIP case and reduced the FAP benefit due to non-compliance with the OCS.
7. The Department received the Claimant's hearing request on December 14, 2010.

### **CONCLUSIONS OF LAW:**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901 - .951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1) An opportunity for a hearing shall be granted to an applicant who requests a hearing because of a denial. MAC R 400.903(2)

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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.

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015.

Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (BRM). Department Policy states:

#### **BEM 255 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).

## **ESTABLISHING PATERNITY AND OBTAINING SUPPORT**

### **Voluntary Paternity Acknowledgement**

#### **FIP, CDC Income Eligible, MA and FAP**

Parents who wish to voluntarily establish paternity must complete form DCH-0682, Affidavit of Parentage. Give these clients the DCH-0682 and the instructions for completion. Clients may complete the affidavit in the local office, may take it with them for completion, and/or may seek assistance from the support specialist. It is critical that parents are provided with sufficient information on the paternity acknowledgement process. If assisting clients in completing the affidavit, be sure to review the consequences, rights and responsibilities of acknowledging paternity that are listed on the DCH-0682.

## **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 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.

Note: FIP and income eligible CDC closure was certified so case action must be taken to reinstate.

#### Support Disqualification At Application

#### FIP, CDC Income Eligible, MA and FAP

At application, client has 10 days to cooperate with the Office of Child Support. Bridges informs the client to contact the Office of Child Support in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of noncooperation in the absent parent LUW.
- There is not a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending, see Good Cause For Not Cooperating in this item.

Note: If the client is cooperating at reapplication, but has not served the minimum one-month penalty for FIP or FAP, Bridges determines eligibility for the month following the penalty month. See FIP Disqualification in this item. Do all of the following at the application interview:

- Inform the applicant that the disqualification will be imposed unless a comply date is received from the support specialist.

- Encourage the applicant to cooperate with the support specialist and discuss with them the consequences of the noncooperation.
- Promptly refer persons who indicate a willingness to cooperate to the support specialist (1-866-540-0008 or 1-866-661-0005) to reevaluate the individual's cooperation status. See Removing a

Support Disqualification in this item.

### **FIP Disqualification**

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. Department policy requires cooperation with the Office of Child Support (OCS) as a condition of eligibility to receive FIP, MA and FAP benefits. BEM 255. Cooperation is required in all phases of the process to establish paternity and obtain support, including contacting OCS when requested BEM 255. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits, and / or case closure, depending on the program BEM 255.

### **FAP Member Disqualification**

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.

In this case, Claimant was in noncooperation status from OCS. The Claimant was sent notification. Although the Claimant testified that she left messages, she has not provided any documentation to support this claim. Furthermore, the OCS sent at least 2 letters to the Claimant requiring information. There is nothing to indicate that the Claimant actually provided the father's name to OCS to establish paternity. The Department has credibly testified that the Claimant did not provide the father's name until after the Claimant's case was closed in December. Department policy requires

that clients cooperate with the OCS in determining paternity and establishing child support from the absent parent. BEM 255. In this case, the Claimant did not cooperate with the establishment of paternity as she failed to provide the Office of Child Support with the identity of her child's father. The Claimant was sent 2 letters requesting information from the OCS prior to the notice of non-cooperation. Department policy requires that the Claimant be sanctioned for her failure to cooperate. Department policy requires that the Claimant's FIP case be closed for a one month period and that she be removed from the FAP group. BEM 255.

**DECISION AND ORDER**

This Administrative Law Judge, based upon the above findings and conclusion of law, decides that the Department properly closed the Claimant's case FIP case and sanctioned her FAP case for her failure to cooperate with OCS.

It is so ORDERED.

\_\_\_\_\_/s/\_\_\_\_\_  
Kandra Robbins  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: \_\_2/8/11\_\_

Date Mailed: \_\_2/8/11\_\_

**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.

[REDACTED]