

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No: 201130361

Issue No: 1025

Case No: [REDACTED]

Hearing Date:

June 1, 2011

Washtenaw 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 April 20, 2011. After due notice, a telephone hearing was held on June 1, 2011.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) 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 Family Independence Program (FIP) and Food Assistance Program (FAP) recipient until May 1, 2011.
2. On April 9, 2011, the Department notified the Claimant that she was considered to be non-cooperative with the Office of Child Support. The Claimant was notified that she had until May 1, 2011, to contact the Office of Child Support.
3. On April 22, 2011, and April 26, 2011, the Department attempted to contact the Claimant regarding her cooperation with the Office of Child Support.
4. On May 1, 2011, the Department disqualified the Claimant from the Family Independence Program (FIP) and Food Assistance Program (FAP) programs for non-cooperation with the Office of Child Support.

5. The Department received the Claimant's request for a hearing on April 20, 2011, protesting her disqualification from the Family Independence Program (FIP) and Food Assistance Program (FAP) programs. The request was received 11 days after the Department sent its notice of case 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 (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 (RFT), and the Bridges Reference Manual (BRM).

Food Assistance Program (FAP) (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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

Failure to cooperate without good cause results in ineligibility for benefits. Bridges will close or deny benefits when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255.

In this case, the Claimant was an ongoing Family Independence Program (FIP) and Food Assistance Program (FAP) recipient until May 1, 2011. On April 9, 2011, the Department notified the Claimant that she was considered to be non-cooperative with the Office of Child Support. The Claimant was notified that she had until May 1, 2011, to contact the Office of Child Support. On April 22, 2011, and April 26, 2011, the Department attempted to contact the Claimant regarding her cooperation with the Office of Child Support. The Claimant's caseworker left message on her answering machine but did not get a response. On May 1, 2011, the Department disqualified the Claimant from the Family Independence Program (FIP) and Food Assistance Program (FAP) for non-cooperation with the Office of Child Support.

The Claimant did not dispute that the Department and the Office of Child Support had requested information from her. The Claimant testified that she assumed she did not need to respond to the Department's inquiries because the children in her household were already registered in the child support system.

Based on the evidence and testimony available during the hearing, the Department has established that the Claimant failed to reasonably cooperate with the Office of Child Support. The Department established that it properly disqualified the Claimant from the Family Independence Program (FIP) and Food Assistance Program (FAP) programs for failure to cooperate 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 properly determined the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility.

The Department's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility determination is AFFIRMED. It is SO ORDERED.

/s/ _____
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: June 6, 2011

Date Mailed: June 7, 2011

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/tg

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cc:

