

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 2011-33994
Issue No.: 1003; 2006; 3008; 5026
Case No.: [REDACTED]
Hearing Date: June 22, 2011
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 telephone hearing was held on June 22, 2011. Claimant appeared and testified. [REDACTED] AP Supervisor, appeared on behalf of the Department.

ISSUES

Was the Department correct in its decision to close Claimant's Family Independence Program (FIP), Medical Assistance (MA) cases, and decrease Claimant's Food Assistance Program (FAP) benefits due to refusal to cooperate in child support matters?

Was the Department correct in denying Claimant's State Emergency Relief request for rent due to no eviction notice?

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 FIP, MA and FAP recipient.
2. The Department closed Claimant's FIP and MA cases and decreased Claimant's FAP benefits effective September 1, 2011 due to refusal to cooperate in child support matters.
3. Claimant requested a hearing, protesting the negative action.

4. At the hearing, the Department presented no substantiating documentation or testimony regarding refusal to cooperate in child support matters.
5. Claimant was found to be in compliance and was issued a Notice of Cooperation from the Office of Child Support on September 8, 2010.
6. Claimant applied for SER for rent on November 5, 2010.
7. Claimant did not have an eviction notice.
8. The Department denied Claimant's SER for rent on November 5, 2010 due to the Claimant not having an eviction notice.

CONCLUSIONS OF LAW

FIP, MA, FAP

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by the 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 (formerly 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 Program Reference Manual (PRM).

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq.* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

Regulations governing the Office of Child Support (OCS) can be found in the IV-D Manual (4DM).

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. Failure to cooperate without good cause results in disqualification.

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Disqualification includes member removal, denial of program benefits, and/or case closure, depending on the program. BEM 255.

Non-cooperation exists when a client, without good cause, willfully and repeatedly fails or refuses to provide information and/or take an action resulting in delays or prevention of support action. 4DM 115.

Before finding a client non-cooperative, the Support Specialist must establish and document that the client failed and/or refused to provide known or obtainable information and/or to take an action without an acceptable reason or excuse. 4DM 115. The goal of the cooperation requirement is to obtain support. Support specialists should find non-cooperation only as a last resort. There is no minimum information requirement. 4DM 115.

Several factors may affect a client's ability to remember or obtain information. In evaluating cooperation, the Support Specialist should consider such factors as client's marital status, duration of relationship and length of time since last contact with the non-custodial parent. A client who was married to the non-custodial parent or knew the putative father for several months can reasonably be expected to provide identifying and location information. The extent and age of location information obtainable may be affected by how long it has been since the parties last lived together or had personal contact. 4DM 115.

In the present case, the Department did not call a witness at the hearing from the Office of Child Support, nor did it present any documentation supporting Claimant's alleged refusal to cooperate with regard to child support, other than computer-generated summary which states no details of non-cooperation. Without detailed proof of non-cooperation, this Administrative Law Judge cannot find that Claimant refused to cooperate with respect to child support. In addition, Claimant testified credibly that she did cooperate with the child support specialist and that she was given a Notice of Cooperation dated September 8, 2010. Based on the above discussion, the Department's decision to close Claimant's FIP and MA cases and decrease Claimant's FAP benefits due to refusal to cooperate in child support matters was not correct.

SER-RENT

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400-7049. Department of Human Services (Department or DHS) policies are found in the State Emergency Relief Manual (ERM).

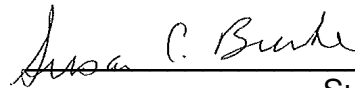
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ERM 303, p. 3 dictates that a requirement for SER for rent or relocation assistance is that, " A court summons, order, or judgment was issued which will result in the SER group becoming homeless."

In the present case, Claimant admitted that she had no court summons, order or judgment which would result in her becoming homeless. Claimant said she was trying to move and needed assistance with her down payment. However, Department policy does not allow for the type of assistance that Claimant requested without the above-listed requirements being met. Therefore, the Department was correct in its decision to deny Claimant's application for SER-rent.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was not correct in its decision to close Claimant's FIP and MA cases and to decrease Claimant's FAP benefits, and it is ORDERED, therefore, that its decision is REVERSED. It is further ORDERED that Claimant's FIP, MA and FAP cases shall be reinstated and benefits restored effective September 1, 2011, if Claimant is otherwise eligible, and all missed or increased benefits shall be made in the form of supplemental payments. It is also found that the Department was correct in its decision to deny Claimant's SER for rent and it is therefore ORDERED that the Department's decision with regard to Claimant's SER application dated November 5, 2010 is AFFIRMED.



Susan Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/27/11

Date Mailed: 6/27/11

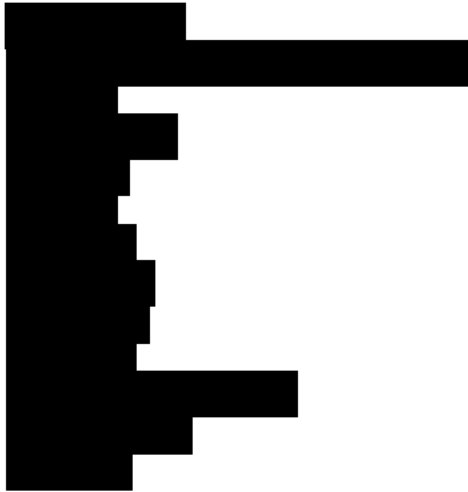
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NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration 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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