

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No: 2011399

Issue No: 1005

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

December 14, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 December 14, 2010.

ISSUE

Was non cooperation with child support established?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

- (1) Negative case action: FIP termination on September 10, 2010 based on non-cooperation with child support per BEM 255 with a hearing request September 14, 2010.
- (2) The DHS attempted to establish child support noncooperation by a document from the child support unit. The author of the child support unit was absent from the hearing.
- (3) Claimant under oath at the hearing denied non-cooperation with the child support unit.

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

Facts above are undisputed.

In a contestive case, the rules of evidence as applied in a non jury civil case in circuit court shall be followed. MCL 24.275.

A party may cross-examine a witness, including the author of a document, offered in evidence by the DHS. MCL 24.272 (4).

This ALJ find the testimony under oath more trustworthy and reliable then the hearsay document attempted to be introduced into evidence.

Therefore, non cooperation with child support was not established by the preponderance of the evidence of record.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that non cooperation with child support was not established.

Accordingly, MA denial REVERSED, and reinstatement of case within 10 work days ORDERED.

/s/

William A. Sundquist
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: December 29, 2010

Date Mailed: December 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 90 days of the filing of the original request.

2011399/WAS

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.

WAS, [REDACTED]

cc: [REDACTED]