

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-47835
Issue No.: 1025
Case No.: [REDACTED]
Hearing Date: November 10, 2011
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a hearing was held in Highland Park, Michigan on Thursday, November 10, 2011. The Claimant appeared and testified. The Claimant was represented by [REDACTED]. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Did the Department properly terminate the Claimant's cash assistance ("FIP") benefits based on non-cooperation with the Office of Child Support ("OCS")?

FINDINGS OF FACT

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

1. The Claimant is a FIP recipient.
2. In November 2010, the OCS issued a Non-Cooperation Notice to the Claimant resulting in the termination of FIP benefits.
3. On February 1, 2011, the OCS issued a Cooperation Notice to the Claimant.
4. The Department did not reinstate the Claimant's FIP benefits.

5. On May 1, 2011, the Claimant re-applied for FIP benefits.
6. The Department approved the Claimant for FIP benefits effective May 16, 2011 for the monthly amount of \$669.00, prorated for May in the amount of \$334.50.
7. The Claimant requested a hearing regarding her FIP benefits for February 2011 through May 15, 2011.

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, 42 USC 601, *et seq.* The Department, formerly known as the Family Independence Agency, administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996. Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the Department, including the OCS, the Friend of the Court, and the prosecuting attorney, to establish paternity and/or obtain support from an absent parent. BEM 255. Cooperation is a condition of eligibility. BEM 255. 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. Good cause must be determined for each child. BEM 255.

In this case, the OCS issued a Non-Cooperation Notice resulting in the termination of the Claimant's FIP benefits. On February 1, 2011, the OCS issued a Cooperation Notice which should have resulted in the reinstatement of FIP benefits effective March 1, 2011. This did not happen. Instead, the Claimant reapplied for FIP benefits on May 1, 2011. The Department approved the Claimant effective May 16th. Based on the foregoing, the Claimant's FIP benefits should have been reinstated and, thus, the Claimant was entitled to benefits effective March 1st through May 15, 2011. Under these facts, the Department failed to establish it acted in accordance with Department policy when it did not reinstate the Claimant's FIP benefits after receipt of the Cooperation Notice.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department's actions are not upheld.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall reinstate the Claimant's FIP benefits effective March 1, 2011 in accordance with Department policy.
2. The Department shall supplement for lost FIP benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy for the period from March 1, 2011 through May 15, 2011 based on the failure to reinstate the Claimant's FIP benefits after receipt of the February 1, 2011 Cooperation Notice.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: November 16, 2011

Date Mailed: November 16, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

