

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-5315
Issue No.: 1003/2006/3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: December 15, 2010
Wayne County DHS (49)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on December 15, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (MA), Food Assistance (FAP) and Family Independence Program (FIP)?

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 FIP, FAP and MA recipient.
2. On November 9, 2010, the department closed the claimant's FAP, FIP and MA for lack of cooperation with the office of child support.
3. On November 3, 2010, the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*,

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and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the instant case, the department moved to close the claimant's MA, FIP, and FAP because it received notice that the claimant had failed to cooperate with the Office of Child Support (OCS).

At the hearing, the claimant testified that she had complied with the OCS through the court. The OCS did not attend the hearing and this ALJ finds the claimant's testimony to be controlling.

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. (BEM 255, p.1).

In the instant case, the OCS did not attend the hearing and was unable to provide and documentation to support its claim of lack of cooperation with the OCS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the Department to retroactively reinstate the Claimant's FIP, MA, and FAP back to the closure date of November 9, 2010, and replace any lost benefits if applicable.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/27/2010

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Date Mailed: 12/27/2010

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 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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