

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-24414
Issue No.: 1005; 3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: April 14, 2011

ADMINISTRATIVE LAW JUDGE: [REDACTED]

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 April 14, 2011. Claimant appeared and testified. Claimant's mother, [REDACTED], also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in closing Claimant's Family Independence Program (FIP) case and decreasing Claimant's Food Assistance Program (FAP) grant due to refusal to cooperate in child support matters?

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 and FAP recipient.
2. The Department closed Claimant's FIP case and reduced Claimant's FAP grant effective March 1, 2011 for refusing to cooperate in child support matters.
3. Claimant requested a hearing, protesting the negative 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 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), which includes the Reference Tables (RFT.)

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. 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

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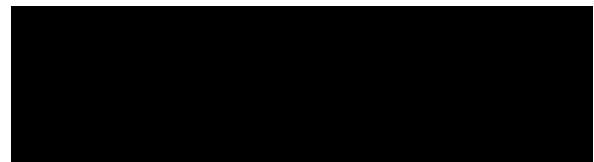
affected by how long it has been since the parties last lived together or had personal contact. 4DM 115.

In the present case, the Department did not call a witness at the hearing from the Office of Child Support. The Department representative stated that another district was attempting to obtain information from the Office of Child Support, but no information was submitted from that district at the time of the hearing. Without detailed proof of noncooperation, this Administrative Law Judge cannot find that Claimant failed to cooperate with respect to child support. It is noted that both Claimant and her mother testified credibly that they submitted to the Office of Child Support all information they had with respect to the paternity of Claimant's children. Therefore, the Department was incorrect in closing Claimant's FIP case and reducing Claimant's FAP grant.

Claimant also requested a hearing on Medical Assistance, but Claimant testified that she no longer is requesting a hearing on that issue as she is currently receiving Medical Assistance.

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 case and reduce Claimant's FAP grant, and it is ORDERED, therefore, that its decision is REVERSED. It is further ORDERED that Claimant's FIP case and FAP grant shall be reinstated and restored effective March 1, 2011, if Claimant otherwise qualifies, and all missed or increased benefits shall be made in the form of supplemental payments. It is further ORDERED that Claimant's request for a hearing on Medical Assistance is DISMISSED.



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

Date Signed: May 19, 2011

Date Mailed: May 19, 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

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reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

SCB/hw

cc:

[REDACTED]

Wayne County DHS (76)/ 1843

[REDACTED]

Administrative Hearing System