

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201132082
Issue No. 1003
Case No. [REDACTED]
Hearing Date: June 30, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 June 30, 2011 from Detroit, Michigan. The Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED] Child Support Specialist, [REDACTED] Child Support Manager, and [REDACTED], Family Independence Manager, appeared and testified.

ISSUE

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits based on a determination that Claimant was uncooperative in obtaining child support.

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP benefit recipient.
2. Claimant had two children, [REDACTED]
3. In 8/2006, Claimant reported to DHS that the father of [REDACTED] was named [REDACTED] who had a date of birth of [REDACTED]
4. In 9/10, Claimant reported that the father of [REDACTED] was the same man who fathered [REDACTED] and that his name was actually [REDACTED] and his date of birth was [REDACTED]

5. DHS eventually discovered that the residence Claimant reported for [REDACTED] contained a resident with Claimant's last name.
6. On 4/16/11, DHS initiated termination of Claimant's FIP benefits due to a finding that Claimant was uncooperative in obtaining child support for her children.
7. On 4/26/11, Claimant reported that her children's father name was actually [REDACTED]
8. On 4/26/11, Claimant requested a hearing to dispute the FIP benefit termination.

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.* DHS administers the FIP pursuant to MCL 400.10, *et seq.* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT). Office of Child Support (OCS) policies are found in the Combined IV-D Policy Manual (4DM).

The undersigned will refer to the DHS regulations in effect as of 4/2011, the estimated month of the DHS decision which Claimant is disputing. Current DHS manuals may be found online at the following URL: <http://www.mfia.state.mi.us/olmweb/ex/html/>.

Federal and state laws and regulations require that applicants and recipients of FIP, MA and FAP benefits cooperate with the Office of Child Support (OCS) in obtaining child support as a condition of benefit eligibility. 4DM 115 at 1. The goal of the cooperation requirement is to obtain child support. Information provided by the client provides a basis for determining the appropriate support action. *Id.* Cooperation from the client will enhance and expedite the process of establishing paternity and obtaining support. *Id.*

The Child Support Specialist obtains information and determines a client's cooperation except for issues of client received support and applications by day care clients. *Id.* at 3. The Support Specialist is required to inform the client of the obligation to cooperate in providing information and taking actions to obtain support. *Id.* at 4. The Support Specialist must also inform the client about support disqualifications and the possibility that the agency will proceed with support action without client cooperation. *Id.*

Cooperation includes, but is not limited to: identifying the non-custodial parent or alleged father, locating the non-custodial parent (including necessary identifying information and whereabouts, if known), appearing at reasonable times and places as

requested to provide information or take legal action (e.g., appearing at the office of the Support Specialist, the Prosecuting Attorney, or the Friend of the Court, or as a witness or complainant at a legal proceeding) and providing all known, possessed or reasonably obtainable information upon request which relates to establishing paternity and /or securing support. *Id at 2.* Non-cooperation exists when: a client willfully and repeatedly fails or refuses to provide information and/ or take an action resulting in delays or prevention of support action. *Id.* OCS and DHS policy is to find a client out of compliance with the cooperation requirement only as a last resort. *Id.* at 1.

In the present case, Claimant disputed a termination of FIP benefits. It was not disputed that the only basis for the termination was a determination that Claimant was uncooperative in obtaining child support for her two children. The undersigned shall begin with an analysis concerning whether Claimant was uncooperative in obtaining child support.

In 8/2006, in response to a DHS inquiry, Claimant reported her child's father's name as [REDACTED]. Claimant reported a date of birth of [REDACTED] for Mr. [REDACTED]. Claimant also reported an address for the father. DHS checked their available databases including a Secretary of State inquiry and were not able to identify any persons based on the information provided by Claimant. DHS also learned that the address provided by Claimant for Mr. [REDACTED] was associated with a person that shared Claimant's last name.

In 9/2010, shortly after the birth of [REDACTED] Claimant reported to DHS that the father of [REDACTED] was the same man who fathered [REDACTED]. At this time, Claimant reported that the father's name was [REDACTED] who had a DOB of [REDACTED]. Again DHS checked their available databases and could not locate an individual who met the information as provided by Claimant.

On 4/24/11, Claimant then reported that the father of her two children was named [REDACTED] the name she originally reported. Claimant testified that her children were the result of one night stands with the same gentleman and she had no information to report to DHS other than what her friend told her; Client clarified that her friend is the cousin of her children's father.

The facts surrounding what Claimant reported to DHS are not in dispute. It was also not in dispute that Claimant falsely reported the name of her children's father's mother on two separate occasions.

Claimant contended that she provided the information that was given to her by her friend and that she never failed to cooperate with DHS in identifying her children's father. Based on the overall reporting by Claimant, DHS found Claimant to be

uncooperative with obtaining child support in 6/25/10. DHS conceded that the finding should have been communicated between DHS departments sooner than 4/2011.

It must be emphasized that a failure to provide useful information about a child's father is not, by itself, a basis to find that a client is uncooperative. If a client truly has no information to provide about a child's father, then the client cannot be said to be uncooperative without evidence of some other failure to cooperate. The issue of cooperation then comes down to a client's credibility and whether it is believed that a client is providing accurate information to DHS.

Claimant testified that she saw her children's father exactly two times in her life; both occasions led to the birth of a child. Claimant's testimony would require believing that Claimant used the second time she met her child's father (presumably in 2009) as an opportunity to give birth to his second child rather than as an opportunity to learn his actual name.

Claimant also failed to identify why she could not provide an accurate name for her child's father at a time when he was living with someone who shared her last name. The evidence was not fully developed whether the residence provided by Claimant in 8/2006 to DHS was the residence of a family member, however, Claimant did not deny the implication of the testimony. If Claimant truly did not know the name of her children's father, it would be hard to imagine that she could not find out his name if the gentleman lived with a relative of hers.

Claimant also stated that she knew the cousin of her children's father. Claimant referred to his cousin as a friend and said she was "cool" with her. Claimant could not explain why her so-called friend would have misled Claimant concerning the name and date of birth for her children's father on two different occasions.

Overall, the undersigned found very little to be credible about Claimant's testimony. The undersigned cannot fathom multiple encounters with a gentleman, four years apart, both of which led to a child birth and both resulting in Claimant failing to provide sufficient information which could lead to identifying the individual. Though a single encounter could be chalked up to a life lesson, having it occur twice with the same individual requires a tremendous leap of faith that the undersigned is not willing to make.

At the very worst, Claimant is purposely reporting misinformation about her child's father. At the very least, Claimant had multiple avenues to obtain sufficient information to identify her children's father but made less than half-hearted efforts in obtaining the information. In either instance, Claimant's conduct amounts to non-cooperation in

obtaining child support. It is found that DHS properly determined Claimant to be uncooperative in obtaining child support.

Any individual required to cooperate with obtaining child support, who fails to cooperate without good cause, causes FIP group ineligibility for a minimum of one month. BEM 255 at 11. Bridges (the DHS database) will close FIP benefits for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. *Id.* Based on the finding that Claimant was uncooperative in obtaining child support, it is found that DHS properly terminated Claimant's FIP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's FIP benefits effective 5/2011. The actions taken by DHS are AFFIRMED.



Christian Gardocki
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 7, 2011

Date Mailed: July 7, 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 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.

CG/cl

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