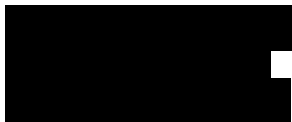


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 201137995  
Issue No.: 1000; 3000  
Case No.: [REDACTED]  
Hearing Date: August 11, 2011  
Wayne County DHS (41)

**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 August 11, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, and [REDACTED] Manager, appeared and testified.

**ISSUE**

Whether DHS properly terminated Claimant's Family Independence Program (FIP) benefits and reduced Claimant's Food Assistance Program (FAP) benefits effective 7/2011 based on a child support disqualification.

**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 and FAP benefit recipient.
2. On an unspecified date, Claimant was found to be uncooperative in obtaining child support for an unspecified child.
3. On an unspecified date, DHS reduced Claimant's FAP benefits due to the alleged failure by Claimant to cooperate in obtaining child support.
4. On an unspecified date, DHS terminated Claimant's FIP benefits based on the alleged failure by Claimant to cooperate in obtaining child support.

5. On 6/1/11, a date prior to the effective date of FIP benefit termination and FAP benefit reduction, Claimant became cooperative with obtaining child support.
6. On 6/7/11, Claimant requested a hearing disputing the FIP benefit termination and FAP benefit reduction.
7. DHS agreed that Claimant was cooperative with obtaining child support prior to the effective date of the adverse FIP and FAP actions.

### **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 6/2011, the 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/>.

Timely notice is given for a negative action unless policy specifies adequate notice or no notice. BAM 220 at 4. A timely notice is mailed at least 11 days before the intended negative action takes effect. The action is pended to provide the client a chance to react to the proposed action. *Id.*

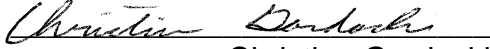
In the present case, DHS conceded that Claimant negated the basis for the negative action by becoming cooperative with obtaining child support prior to the effective date of the adverse actions taken to Claimant's FIP and FAP benefits. DHS noted that had Claimant's specialist been aware of the cooperation sooner, the correction would have made sooner. Based on Claimant's verified cooperation, DHS proposed to reevaluate Claimant's FIP and FAP benefits beginning 7/2011 under the basis that Claimant was cooperative with child support. DHS also proposed that the child support disqualification be removed from Claimant's disqualification history. Claimant accepted the proposal. As the settlement appears to comply with DHS regulations, the undersigned accepts the agreement between the parties as an acceptable resolution to the benefit dispute.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law and by agreement of the parties, finds that DHS improperly reduced Claimant's FAP benefits and terminated Claimant's FIP benefits. It is ordered that DHS:

- (1) remove the 7/2011 child support disqualification from Claimant's disqualification history;
- (2) reevaluate Claimant's FIP and FAP benefits beginning 7/2011 based, in part, on a finding that Claimant was compliant with obtaining child support; and
- (3) supplement Claimant for any benefits not received as a result of the improper finding that Claimant was uncooperative with obtaining child support.

The actions taken by DHS are REVERSED.

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

Date Signed: August 12, 2011

Date Mailed: August 12, 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/hw

cc:

