

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

IN THE MATTER OF:



Reg. No: 201138041
Issue No: 1038
Case No: [REDACTED]
Hearing Date: July 21, 2011
Branch County DHS

ADMINISTRATIVE LAW JUDGE: Corey A. Arendt

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on July 21, 2011. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application for failing to establish paternity with the Office of Child Support (OCS)?

FINDINGS OF FACT

I find, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. On April 21, 2011, the Claimant applied for FIP benefits. (Hearing Summary).
2. On May 2, 2011, the Department sent the Claimant a Verification Checklist. The Checklist requested the Claimant to contact the OCS by May 12, 2011 to establish paternity. (Department Exhibit 1).
3. On May 3, 2011, the Claimant contacted the Department. The Department told the Claimant she needed to contact the OCS and provide additional information to allow the Department to determine her eligibility for FIP.
4. On May 3, 2011, the Claimant contacted OCS and left a voice message.
5. On May 17, 2011, the Department processed the Claimant's application. During the processing of the application, the Department discovered the Claimant had not yet supplied OCS with the additional supporting information.
6. On May 17, 2011, the Department sent the Claimant a Notice of Case Action. (Department Exhibit 2).
7. At some point on May 17, 2011, the Claimant communicated with the Department. At that time, the Department notified the Claimant about the Notice of Case Action and told the Claimant she needed to contact OCS.

8. On May 18, 2011, at approximately 10:48 am, the Claimant contacted OCS and supplied OCS with the additional supporting information.
9. On May 24, 2011, the Claimant filed a request for hearing.

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 of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

Department policy states:

DEPARTMENT PHILOSOPHY

FIP

Families are strengthened when children's needs are met. 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 (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent.

The custodial parent or alternative caretaker of children must comply with all request for action or information needed to establish paternity and/or obtain child support on behalf of children whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending.

DEPARTMENT POLICY

COOPERATION

Cooperation is a condition of eligibility. The following individuals who receive assistance for themselves or on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.

- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes all of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.

GOOD CAUSE REASONS

There are two types of good cause:

1. Cases in which establishing paternity/securing support would harm the child. Do not require cooperation/support action in any of the following circumstances:
 - a. The child was conceived due to incest or forcible rape.
 - b. Legal proceedings for the adoption of the child are pending before a court.
 - c. The individual is currently receiving counseling from a licensed social agency to decide if the child should be released for adoption, and the counseling has not gone on for more than three months.
2. Cases in which there is danger or physical or emotional harm to the child or client. Physical or emotional harm may result if the client or child has been subject to or is in the danger of:
 - a. Physical acts that resulted in, or threatened to result in, physical injury.
 - b. Sexual abuse.
 - c. Sexual activity involving a dependent child.
 - d. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
 - e. Threats of, or attempts at, physical or sexual abuse.
 - f. Mental abuse.
 - g. Neglect or deprivation of medical care.

CLAIMAING GOOD CAUSE

If a Claimant claims good cause, both the department and the client must sign the DHS-21688. The client must complete Section 2 specifying the type of good cause and the individual(s) affected. Give the client a copy of the completed DHS-2168.

In the present situation, the Department requested the Claimant contact OCS and provide additional information in order to process the Claimant's application. Based on all of the evidence before me, I find the Department's witnesses to be more credible based on the fact they had a clearer grasp of the dates, times and events in question.

Therefore, I find the Claimant did not timely contact OCS and provide OCS with the necessary information to approve the Claimant's application.

Accordingly, I find the Department properly denied Claimant's application for FIP benefits.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, decide that:

1. The Department properly denied the Claimant's FIP application for failing to establish paternity with the OCS.

Accordingly, the Department's actions are **AFFIRMED**.

/s/

Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: July 22, 2011

Date Mailed: July 25, 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.

CAA/cr

cc:

