

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 201154812
Issue No. 1003
Case No. [REDACTED]
Hearing Date: October 20, 2011
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 October 20, 2011. The Claimant appeared and testified. [REDACTED], FIS Case Manager, also appeared on behalf of the Department of Human Services.

ISSUE

Whether the Department properly closed the Claimant's FIP cash assistance case due to non cooperation with 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. The Claimant was an ongoing recipient of FIP benefits and FAP benefits.
2. The Department closed the Claimant's FIP case on 9/1/11 due to non cooperation with child support and for failing to cooperate in establishing paternity or securing child support. Exhibit 1.
3. The Department reduced the Claimant's FAP benefits on 9/1/11 and removed the Claimant from her FAP group.
4. The Office of Child Support did not appear at the hearing.
5. The Claimant did not receive any Notice of Non Cooperation letters.

6. At the hearing the Claimant provided the following information: The Claimant's children's father's name is [REDACTED], he resides at [REDACTED], [REDACTED]. His birth date is [REDACTED] and he is [REDACTED] and weighs [REDACTED].
7. The Claimant did not receive notice of any sort to contact the Office of Child Support.
8. No letters were provided by the Department to establish that the Claimant was requested to contact the Office of Child Support.
9. The Claimant requested a hearing on 9/21/11 protesting the closure of her FIP cash assistance case.

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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and Michigan Administrative Code Rules R400.3101-3131. 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).

In the record presented, there was no question that the Claimant was unaware that she was required to respond to letters to assist the Office of Child Support with establishing paternity of her children. The fact is that the Claimant credibly testified that she never received any letter requesting that she contact the Office of Child Support. Additionally, at the hearing she was forthcoming with information regarding the identity of the father of her children and provided all the information she had available at the hearing.

The Claimant was forthright and did not withhold any information intentionally. It was not established by the Department that the Claimant was notified by the office of Child Support requesting her to disclose information regarding paternity. The sanction imposed pursuant to BEM 255 for the Claimant's non cooperation in disclosing the identity of the father of her children was improperly imposed, as there was no basis presented by the Department to support a finding non cooperation. Additionally no one from the Office of Child Support attended the hearing.

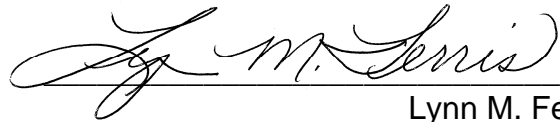
DECISION AND ORDER

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The Administrative Law Judge, based on the above findings of fact and conclusions of law, it is finds that the Department improperly closed the Claimant's FIP case and improperly removed the Claimant from her FAP group for non cooperation with child support, and it did not sustain its burden of proof. The Department's closure of the Claimant's FIP case as of 9/1/11 and removal of the Claimant from her FAP group is REVERSED.

Accordingly it is ORDERED:

1. The Department shall initiate reinstatement of the Claimant's FIP case retroactive to the date of closure (9/1/11).
2. The Department shall restore the Claimant to her FAP group, retroactive to 9/1/11.
3. The Department shall issue a supplement to the Claimant for any FIP and FAP benefits she was otherwise entitled to receive in accordance with Department policy.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: October 25, 2011

Date Mailed: October 25, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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 date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

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- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

