

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2012 15509
Issue No. 1003
Case No. [REDACTED]
Hearing Date: April 4, 2012
Wayne County DHS (19)

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 April 4, 2012. The claimant appeared and testified. [REDACTED], FIM appeared on behalf of the Department of Human Services.

ISSUE

Whether the Department properly denied the Claimant's FIP cash assistance application 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 applied for FIP cash assistance on September 13, 2011.
2. The Claimant is an ongoing recipient of FAP benefits and there is no issue with regards to those benefits, and Claimant's wife is included in the FAP group.
3. The Department denied the Claimant's FIP application on 10/7/11 due to non cooperation with child support.
4. At the hearing, the Claimant testified that his wife, Isra Alhuseini, has always lived with him and his children are hers and that at the time of the application she was living with him.
5. The Office of Child Support did not appear at the hearing.

6. No letters were provided by the Department to establish that the Claimant was requested to contact the Office of Child Support.
7. The Claimant requested a hearing on 10/14/11 protesting the denial of his 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 proof that the Claimant (or his wife), whom he lives with, were in non cooperation with child support. In fact, the Claimant credibly testified that at all times relevant to this matter he resided with his wife and their children. The Claimant's wife has no other children by anyone else. Therefore, the Department did not meet its burden of proof and did not establish any basis for the denial of the Claimant's FIP application due to non cooperation. Additionally, no one from the office of child support attended the hearing.

DECISION AND ORDER

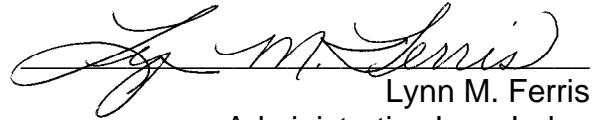
The Administrative Law Judge, based on the above findings of fact and conclusions of law it is found that the Department improperly denied the Claimant's FIP application for non cooperation with child support and it did not sustain its burden of proof. The Department's denial of the Claimant's FIP application of 9/13/11 is REVERSED.

Accordingly it is ORDERED:

1. The Department shall initiate reinstatement of the Claimant's FIP application retroactive to the date of application (9/13/11), and determine Claimant's eligibility for FIP benefits in accordance with Department policy.
2. The Department shall issue a supplement to the Claimant for any FIP benefits he was otherwise entitled to receive, if any, in accordance with department policy.

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3. The Claimant's request for hearing regarding FAP benefits is DISMISSED, as no issue remains regarding those benefits.


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

Date Signed: April 6, 2012

Date Mailed: April 6, 2012

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:

- 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

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cc:

