

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

IN THE MATTER OF:



Reg. No.: 201228325
Issue No.: 1025; 3008
Case No.: [REDACTED]
Hearing Date: March 8, 2012
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on March 8, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Family Independence Specialist and JET Case Manager, and [REDACTED], Lead Support Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> Direct Support Services (DSS)? | |

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |

- Medical Assistance (MA). Child Development and Care (CDC).
 Direct Support Services (DSS).

2. On February 1, 2012, the Department
 denied Claimant's application closed Claimant's case
due to noncooperation with child support reporting obligations.
3. On January 19, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On January 24, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA

program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, R 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

Direct Support Services (DSS) is administered by the Department pursuant to MCL 400.57a, *et. seq.*, and Mich Admin Code R 400.3603.

Additionally, a client's cooperation with paternity and obtaining child support is a condition of FIP and FAP eligibility. BEM 255. Parents must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255. Failure to cooperate without good cause leads to disqualification of the adult member who fails to cooperate. BEM 255. This results in FIP group ineligibility and the disqualification of the noncooperating individual from the FAP group until the later of one month or when the individual cooperates. BEM 255.

In this case, the Department testified that, based on information on its system indicating that Claimant was in noncompliance with child support as of October 31, 2011, it sent Claimant a Notice of Case Action on January 19, 2012, closing Claimant's FIP and FAP cases effective February 1, 2011. At the hearing, the Department conceded that Claimant's FAP case should have remained open, with Claimant removed as a disqualified member of the FAP group, but the remaining group members receiving benefits.

At the hearing, the OCS testified that it sent Claimant a total of four letters advising her that she needed to contact the OCS to provide information regarding her child's father so a referral could be sent to the Prosecutor's Office. OCS explained that there were two series of notices sent to Claimant: the first was on December 18, 2010 and March 29, 2011, and the second on July 14, 2011 and September 10, 2011. The OCS testified that the first two letters were sent to an address on Jacob Ave. and the last letter was sent to an address on Newburn. Claimant credibly testified that she received only the July 14, 2011, letter, which was the only letter of the four that was sent to her at the Eason address, the address on record with the Department. There was no evidence presented by the Department that Claimant resided at any address other than on Eason. Thus, Claimant established that she received only one of the four letters the OCS sent to her.

While the OCS testified that the second letter of the two-letter series sent to a noncooperative client includes a questionnaire for completion by the client, the first letter

of a series (which would include the July 14, 2011, letter Claimant received) refers the recipient to a website but anticipates a return phone call by the recipient to the OCS agent indicated on the letter. Claimant credibly testified that she tried to respond to the letter by calling the number on the letter and leaving messages but no one from the OCS ever contacted her except for a few days prior to the hearing date. Claimant acknowledged that when she was contacted just prior to the hearing by the OCS, she declined the OCS's request to provide information concerning her child's father because she wanted to wait for the hearing to show that she had previously attempted to cooperate. The foregoing facts establish that Claimant attempted to comply with her child support reporting obligations. Under these circumstances, the Department did not act in accordance with Department policy when it closed Claimant's FIP and FAP cases based on Claimant's failure to cooperate with child support reporting obligations.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC DSS.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC DSS decision is AFFIRMED REVERSED for the reasons stated above and on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support noncooperation of October 31, 2011 from Claimant's record;
2. Reinstate Claimant's FIP and FAP cases as of February 1, 2012; and
3. Issue supplements for any FIP and FAP benefits Claimant was otherwise eligible to receive but did not from February 1, 2012, ongoing.



Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: March 13, 2012

Date Mailed: March 13, 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

ACE/hw

cc:

