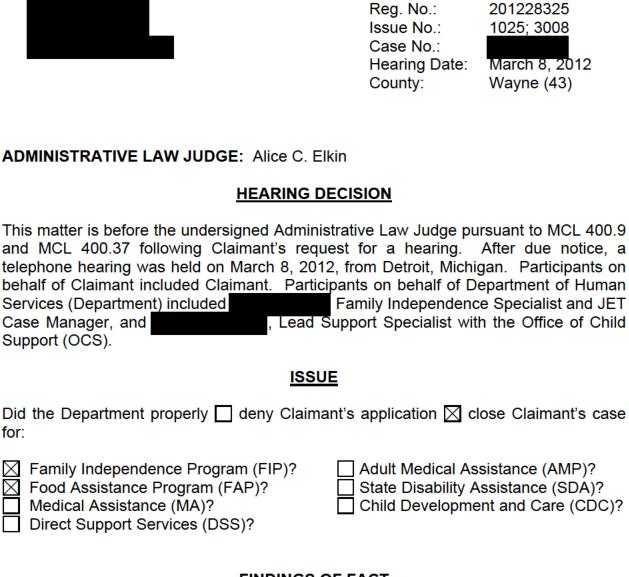
STATE OF MICHIGAN MICHIGAN ADMINISTRATIVE HEARING SYSTEM ADMINISTRATIVE HEARINGS FOR THE DEPARTMENT OF HUMAN SERVICES

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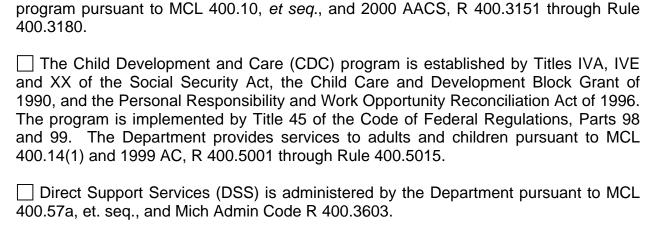


FINDINGS OF FACT

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 ☒ receive	d benefits for:				
	☐ Family Independence Program (FIP).☐ Food Assistance Program (FAP).	☐ Adult Medical Assistance (AMP).☐ State Disability Assistance (SDA).				

	Medical Assistance (MA).Direct Support Services (DSS).	Child Development and Care (CDC).
2.	On February 1, 2012, the Department denied Claimant's application due to noncooperation with child support re	sed Claimant's case porting obligations.
3.	On January 19, 2012, the Department sent Claimant Claimant's Authorized notice of the denial. Closure.	Representative (AR)
4.	On January 24, 2012, Claimant filed a hear ☐ denial of the application. ☐ closure of	• • •
	CONCLUSION	S OF LAW
	epartment policies are contained in the Bridges Eligibility Manual (BEM), and the Refe	• • • • • • • • • • • • • • • • • • • •
Re 42 Ag thr	The Family Independence Program (FIP) responsibility and Work Opportunity Reconcius USC 601, et seq. The Department (form Jency) administers FIP pursuant to MCL 40 rough Rule 400.3131. FIP replaced the Air ective October 1, 1996.	liation Act of 1996, Public Law 104-193, erly known as the Family Independence 0.10, et seq., and 1999 AC, R 400.3101
pro im Re Ag	The Food Assistance Program (FAP) [foogram] is established by the Food Stan plemented by the federal regulations contegulations (CFR). The Department (formelency) administers FAP pursuant to MCL 40 rough Rule 400.3015.	np Act of 1977, as amended, and is ained in Title 7 of the Code of Federal rly known as the Family Independence
Se Th Ag	The Medical Assistance (MA) program is ecurity Act and is implemented by Title 42 of e Department of Human Services (forme lency) administers the MA program pursu 0.105.	the Code of Federal Regulations (CFR). rly known as the Family Independence
	The Adult Medical Program (AMP) is ministered by the Department pursuant to M	
for	The State Disability Assistance (SDA) programmer disabled persons, is established by 2004 ervices (formerly known as the Family Inde	1 PA 344. The Department of Human



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 questionaire for completion by the client, the first letter

3.

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 □ properly closed Claimant's case □ improperly denied Claimant's application □ improperly closed Claimant's case 						
for:						
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 \square AMP \boxtimes FIP \boxtimes FAP \square MA \square SDA \square CDC \square DSS decision is \square AFFIRMED \boxtimes 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:						
 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						

Alice C. Elkin Administrative Law Judge

For Maura Corrigan, Director Department of Human Services

Issue supplements for any FIP and FAP benefits Claimant was otherwise eligible

to receive but did not from February 1, 2012, ongoing.

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 <u>MAY</u> be granted if there is newly discovered evidence that could affect the outcome
 of the original hearing decision.
- A reconsideration <u>MAY</u> 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

