

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

IN THE MATTER OF:



Reg. No. 2012 48635
Issue No. 3008, 1003
Case No. [REDACTED]
Hearing Date: June 4, 2012
Wayne County DHS (55)

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 June 4, 2012. The claimant appeared and testified. [REDACTED] JET/FIS appeared on behalf of the Department of Human Services. [REDACTED] Lead Specialist of the Office of Child Support, appeared as witnesses for the Department.

ISSUE

Whether the Department properly removed the Claimant from her FAP group and closed her and FIP Cash Assistance 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 Food Assistance (FAP) and FIP cash assistance.
2. The Department issued a Notice of Case Action on 4/13/12, which reduced the Claimant's FAP benefits effective May 1, 2012, by removing the Claimant from her FAP group and closing her FIP case effective May 1, 2012 for failure to cooperate in establishing paternity or securing child support.
3. The Claimant did speak with the Office of Child Support but did not provided any information regarding the father of her child, except that she met him at a party in [REDACTED] he is dark skinned, has brown eyes and is 6'1". She did not provide the

father's name or any other useful information to assist the Office of Child Support in locating the father of her child.

4. The Claimant testified that she only met the father of her child for one night at a party in [REDACTED].
5. The information provided by the Claimant did not assist the Office of Child Support to locate the alleged father.
6. The Claimant requested a hearing on 4/22/12 protesting the reduction of her FAP benefits the closure of her FIP cash assistance case due to non cooperation with child support.

CONCLUSIONS OF LAW

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, Rule 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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In the record presented, the Claimant has responded to a Final Notice of Non Cooperation and discussed the matter with the Office of Child Support (OCS). The Claimant provided no useful information to assist the OCS in locating the father of her child. The Claimant advised the OCS only with the height and eye color of the alleged father. No full name, birth date or address was provided. The Claimant further testified that she had sex one time with the father and became pregnant 12 weeks later. The Claimant at no time sought to locate the father, even though her sister (who lives in [REDACTED]) saw him after the party that the Claimant and her sister attended on the night

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her child was allegedly conceived. As stated at the hearing by the Child Support Office representative, the OCS does not expect the Claimant to locate the alleged father, but is required to provide the most basic of information (name, birth date, social security number and address).

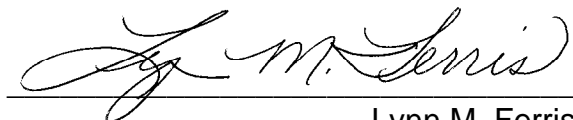
The Claimant's cooperation has been less than useful. Although the Claimant testified she didn't know she was pregnant for 12 weeks, she no doubt missed her cycle during the period and would have been alerted to the fact that she might have been pregnant. The Claimant's testimony was less than credible, and her lack of efforts overall to assist the Department and to find out more about the alleged father of her child do not exhibit cooperation.

Based upon the record as a whole, it appears that the Claimant has not attempted to locate the absent father, nor has been forthcoming with any information. The information she provided could apply to thousands of individuals and does not give sufficient information to locate the father.

Based upon the information that has been provided by the Claimant, and the testimony of the parties, it is determined that the Claimant has not cooperated. Thus, the Department properly closed the FIP case and removed the Claimant from her FAP group. Accordingly, it is determined that the Department did meet its burden of proof and properly reduced the Claimant's Food Assistance and closed the Claimant's FIP Cash Assistance due to non cooperation. BEM 255.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, it is found that the Department properly closed the Claimant's FIP cash assistance case and properly removed the Claimant from her FAP group for non cooperation with child support.. The Department's actions are AFFIRMED.



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

Date Signed: June 7, 2012

Date Mailed: June 7, 2012

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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:

