

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201258721  
Issue No.: 3008; 6019  
Case No.: [REDACTED]  
Hearing Date: September 21, 2012  
County: Wayne (55)

**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 September 21, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payment Worker; [REDACTED], Assistance Payment Supervisor; and [REDACTED], Lead Child Support Specialist from the Office of Child Support (OCS).

**ISSUE**

Did the Department properly remove Claimant as a member of her Food Assistance Program (FAP) group for noncooperation with child support reporting obligations?

Did the Department properly close Claimant's Child Development and Care (CDC) case for noncooperation with child support reporting obligations?

**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 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 checked="" type="checkbox"/> Child Development and Care (CDC). |

2. On May 22, 2012, the Department sent Claimant notice it was closing her CDC case effective June 17, 2012, and removing her as a member of her FAP group effective July 1, 2012 due to her noncooperation with child support reporting obligations.
3. On June 9, 2012, Claimant filed a hearing request, protesting the Department's actions.

### **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 AAC, 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.

Additionally, the custodial parent of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom the parent receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (November 1, 2011), p 1.

In this case, the Department became aware of Claimant's child support noncooperation concerning her son [REDACTED] on May 18, 2012, and sent Claimant a May 22, 2012, Notice of Case Action informing her that, due to her noncooperation with her child support reporting obligations, it was closing her CDC case effective June 17, 2012, and removing her as a member of her FAP group effective July 1, 2012. At the hearing, Claimant testified that she had provided the OCS with all the information she had concerning [REDACTED] father, including his name, birth date and address in [REDACTED] (where the father resided). She testified that the child was a product of a one-night stand in [REDACTED] and she did not have any other information concerning the father.

The OCS testified that the information that Claimant provided, which included a common first and last name and an address out of the country, was insufficient to verify the father's existence. While Claimant explained that she did not have any additional information, during the course of the hearing, she testified that she was able to get the Jamaica address from the father's relatives when she went back to [REDACTED] a few months prior to the hearing, several months after the child's birth. Cooperation to establish paternity and obtain support includes providing all known information about the absent parent. BEM 255, p 8. Claimant's testimony, which indicated that she, or one of her family members, knew relatives of the father, was sufficient to support the OCS's concerns that Claimant had additional information concerning the father. The OCS testified that, if it had such information, it could conduct a back-ended search, looking to establish the legitimacy of the father's existence based on information concerning his friends and family. Because Claimant had not disclosed this information, the OCS properly concluded that Claimant was in noncompliance with her child support reporting obligations.

A client's failure to cooperate without good cause results in CDC ineligibility for clients who receive CDC benefits based on income-eligibility. BEM 255, p 11. Clients who do not cooperate with their child support reporting obligations are also disqualified members of their FAP groups. BEM 212 (April 1, 2012), p 7; BEM 255 (November 1, 2011), p 11. The client is removed from the FAP eligibility group for a minimum of one month and is not returned to the FAP group until the later of the month after cooperation or after serving the one-month disqualification. BEM 255, pp 11-12. Thus, the Department acted in accordance with Department policy when it closed Claimant's CDC case and removed her as a disqualified member of her FAP group based on the child support noncooperation. Although there was some discussion on the record that Claimant was improperly disqualified from her FAP group because she had a minor child under the age of six in the home, there is no deferral from a client's FAP

disqualification for child support noncompliance based on the age of the children in the home.

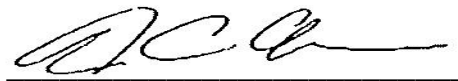
Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department properly closed Claimant's CDC case and removed her as a member of her FAP case.

**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 decision is  AFFIRMED  REVERSED for the reasons stated on the record.



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

Date Signed: September 28, 2012

Date Mailed: September 28, 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 at  
Michigan Administrative hearings  
Reconsideration/Rehearing Request  
P. O. Box 30639  
Lansing, Michigan 48909-07322

ACE/hw

cc:

