

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No: 201211512  
Issue No: 3008  
[REDACTED]  
Hearing Date: January 31, 2012  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** COREY A. ARENDT

**HEARING DECISION**

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on January 31, 2012. The Claimant and Agency appeared by telephone and provided testimony.

**ISSUE**

Whether the Department properly reduced the Claimant's Food Assistance Program (FAP) benefits due to noncooperation with child support?

**FINDINGS OF FACT**

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. The Claimant was receiving FAP benefits when the Department reduced the Claimant's FAP case for allegedly not complying with child support.
2. On or around October 24, 2011, the Department sent the Claimant a Notice of Case Action. The Notice indicated the Department was reducing the Claimant's FAP benefits for being noncompliant with child support. (Department Exhibit A).
3. On November 8, 2011, the Claimant submitted to the Department a hearing request.

**CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

The 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 (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. 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 Program Reference Manual (PRM).

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support (OCS), the Friend of the Court and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255, p. 1.

Clients 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.

Absent parents are required to support their children. Support includes all the following:

- . Child support
- . Medical support
- . Payment for medical care from any third party.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits, and/or case closure, depending on the program.

Exceptions to the cooperation requirement are allowed for all child support actions except failure to return court-ordered support payments received after the payment effective date. Grant good cause only if:

- . requiring cooperation/support action is against the child's best interests, and
- . there is a specific "good cause" reason.

If good cause exists, cooperation is excused as an eligibility requirement for the child involved. It can still be required for another child in the same family. BEM 255, pp. 1-2.

Cooperation is a condition of eligibility. The following persons in the eligible group are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending.

- . Grantee and spouse.
- . Specified relative/person acting as a parent and spouse.
- . Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support and includes all of the following:

- . Contacting the SS when requested.
- . Providing all known information about the absent parent.
- . Appearing at the office of the prosecuting attorney when requested.
- . Taking any actions needed to establish paternity and obtain child support (e.g., testifying at hearings or obtaining blood tests).

In this matter, the Department did not present any evidence to indicate the Claimant was noncompliant with the Office of Child Support. In addition, there was no representative from the Office of Child Support present or available for testimony at the time of the hearing.

Based on the evidence presented, I find the Claimant complied with all of the Office of Child Support's requests for information.

Based on the evidence presented at the hearing, I find the Department improperly reduced the Claimant's FAP benefits for failure to comply with child support.

### **DECISION AND ORDER**

I find, based upon the above findings of fact and conclusions of law, that the Department improperly reduced the Claimant's FAP benefits due to child support noncooperation.

The Department is to initiate a redetermination of the Claimant's eligibility for FAP benefits beginning December 1, 2011 and issue retroactive benefits if otherwise eligible and qualified.

Accordingly, the Department's actions are **REVERSED**.

/s/  
Corey A. Arendt  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: February 2, 2012

Date Mailed: February 3, 2012

**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CAA/cr

cc:

