

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

IN THE MATTER OF:



Reg. No.: 2012-75421
Issue No.: 1025
Case No.: [REDACTED]
Hearing Date: March 18, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

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 18, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

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 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)? |

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 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). |

2. On or about March 1, 2013, the Department
 denied Claimant's application closed Claimant's case
due to a determination that Claimant failed to cooperate with the Department's Office
of Child Support (OCS) in paternity and child-support enforcement inquiries.
3. The Department did not send
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On August 29, 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, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

Additionally, the following findings of fact and conclusions of law are entered in this case. This case began when Claimant filed a Hearing Request on August 29, 2012, protesting the termination of FIP benefits. The benefits were reinstated and were not terminated until March 1, 2013.

On or about March 1, 2013, the Department's Office of Child Support (OCS) determined that Claimant was not in compliance with its reporting requirements and the Department terminated Claimant's FIP benefits. Claimant seeks reinstatement of her FIP benefits.

The Department's Bridges Eligibility Manual (BEM) 255, "Child Support," requires the Department to seek recoupment from noncustodial parents of benefits paid by the Department to a custodial parent. Department of Human Services Bridges Eligibility Manual (BEM) 255 (2011). BEM 255 requires customers to cooperate fully with OCS requests for information.

In this case Claimant testified that she began receiving FIP benefits on May 14, 2012. She testified that the Department never sought paternity and child support information from her prior to the Initial Noncompliance Letter of March, 2013.

Claimant testified that on about March 4, 2013, she received an Initial Noncompliance Letter asking her to call OCS with paternity information. She testified that she called OCS and talked to them, and they stated they would be calling her back. OCS never called her back after her call.

At the hearing OCS did not appear and testify, and the only Department witness who appeared presented no testimony regarding Claimant's cooperation with OCS. Based on all of the evidence of record taken as a whole, it is found and concluded that Claimant cooperated fully with OCS as soon as OCS requested information from her. It is found and determined that Claimant was not noncompliant, and was fully compliant, with the Department's request for paternity information. The Department's termination of Claimant's FIP benefits is reversed.

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.

DECISION AND ORDER

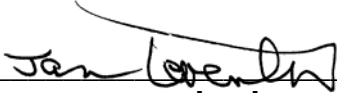
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department
 did act properly. did not act properly.

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

THE DEPARTMENT SHALL INITIATE WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER, THE FOLLOWING:

1. Reinstatement Claimant's FIP benefits.
2. Provide retroactive and ongoing FIP benefits to Claimant at the benefit level to which she is entitled.
3. Delete from Claimant's file the designation that she is noncompliant with child support requirements, and replace it with the designation that Claimant is in compliance with OCS requirements as of May 14, 2012.

4. All steps shall be taken in accordance with Department policy and procedure.


Jan Leventer
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 19, 2013

Date Mailed: March 19, 2013

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

JL/tm

cc:

