

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

**IN THE MATTER OF:**



Reg. No: 201276536  
Issue No: 1003, 2006, 3008  
Case No: [REDACTED]  
Hearing Date: October 17, 2012  
Muskegon County DHS

**ADMINISTRATIVE LAW JUDGE:** Christopher S. Saunders

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on October 17, 2012. The claimant personally appeared and provided testimony.

**ISSUES**

1. Did the department properly close the claimant's Family Independence Program (FIP) benefits due to a child support noncooperation?
2. Did the department properly reduce the claimant's Food Assistance Program (FAP) benefits due to a child support noncooperation?
3. Did the department properly close the claimant's Medical Assistance (MA) benefits due to a child support noncooperation?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant was a recipient of FAP, FIP, and MA benefits.
2. The claimant submitted a redetermination to the department on August 17, 2012. (Department Exhibits 8-11).
3. After the redetermination was submitted, the department was informed by the office of child support that the claimant was in noncooperation with the office of child support. (Department Exhibits 5-6).

4. On August 31, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her FIP benefits were being closed, that she was being removed from the FAP group and that consequently the FAP allotment was being reduced, and that she was being removed from the MA group and that in turn her MA benefits were being terminated. (Department Exhibits 3-4).
5. On September 7, 2012, the claimant filed a request for hearing protesting the closure of her FIP benefits, the reduction of her FAP benefits, and the closure of her MA case.

### **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 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Family Independence Program (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 Bridges Reference Manual (BRM).

The Medical Assistance (MA) program is established by 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 (DHS or department) 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 Bridges Reference Manual (BRM).

Department policy states:

### **DEPARTMENT PHILOSOPHY**

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.

### **DEPARTMENT POLICY**

#### **FIP, CDC Income Eligible, MA and FAP**

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.

**Note:** For purposes of this item, a parent who does not live with the child due solely to the parent's active duty in a uniformed service of the U.S. is considered to be living in the child's home.

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.

**Exception:** A pregnant woman who fails to cooperate may still be eligible for MA.

## **GOOD CAUSE FOR NOT COOPERATING**

### **FIP, CDC Income Eligible, MA and FAP**

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.

### **Good Cause Reasons**

#### **FIP, CDC Income Eligible, MA and FAP**

There are two types of good cause:

- . Cases in which establishing paternity/securing support would harm the child. Do **not** require cooperation/support action in any of the following circumstances.
  - .. The child was conceived due to incest or forcible rape.
  - .. Legal proceedings for the adoption of the child are pending before a court.
  - .. The client is currently receiving counseling from a public or licensed private social agency to decide if the child should be released for adoption, **and** the counseling has **not** gone on for more than three months.
- . Cases in which there is danger of physical or emotional harm to the child or client. Physical or emotional harm may result if the client or child has been subject to or is in danger of:

- .. Physical acts that resulted in, or threatened to result in, physical injury.
- .. Sexual abuse.
- .. Sexual activity involving a dependent child.
- .. Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities.
- .. Threats of, or attempts at, physical or sexual abuse.
- .. Mental abuse.
- .. Neglect or deprivation of medical care. BEM 255, pp. 2-3.

## **COOPERATION**

### **FIP, CDC Income Eligible, MA and FAP**

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).

## **SUPPORT DISQUALIFICATION**

### **FIP, CDC Income Eligible, MA and FAP**

You will be notified of a client's failure to cooperate by the SS or the child support noncooperation report. Start the support disqualification procedure upon receipt of this notice.

Do **not** impose the disqualification if any of the following occur during the negative action period:

- . You are notified by OCS that the client has cooperated.
- . The case closes for another reason.
- . The noncooperative person leaves the group.
- . Support/paternity action is no longer a factor in the child's eligibility (e.g., the child leaves the group).
- . **For disqualifications based on failure to return court-ordered support**, the client cooperates with the requirement of returning court-ordered support payments or the support order is certified. BEM 255, p. 9.

Department policy indicates that clients are required to pursue any potential benefits for which they may be eligible. BEM 270. One of these benefits is child support. Department policy indicates that the head of the household and the 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 they receive assistance, unless a claim of good cause has been granted. BEM 255.

Department policy indicates that there are situations in which child support will not be required to be pursued. Good cause can only be granted when requiring the cooperation/support action is against the child's best interest and there is a specific good cause reason. BEM 255. Good cause reasons exist if establishing paternity would harm the child or there is a danger of physical or emotional harm to the child or client. BEM 255.

Department policy indicates that cooperation with child support is a condition of eligibility for FAP. BEM 255. Failure to cooperate without good cause results in disqualification for the individual from the FAP program.

In the case at hand, the department alleged that the claimant was not cooperating with child support by not following through with any of the requests made for interview. The representative present from the Office of Child Support (OCS) testified that letters requesting contact were sent to the claimant on September 18, 2011 and February 9, 2012. The OCS representative further testified that the claimant was sent a noncooperation notice on May 26, 2012 and that she was sent a child support questionnaire on July 13, 2012. The claimant had not contacted the OCS prior to the hearing despite all the aforementioned requests for contact. At the hearing, the claimant did not provide good cause for not contacting the OCS as required. Accordingly, the Administrative Law Judge determines that the department acted properly in accordance with policy in terminating the claimant's FIP and MA benefits and removing her from the FAP group based on noncooperation with the office of child support.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department properly closed the claimant's FIP case, reduced the claimant's FAP benefits, and closed the claimant's MA case on the basis of failure to cooperate with child support.

Accordingly, the department's actions are **AFFIRMED**.

It is SO ORDERED.

/s/

Christopher S. Saunders  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: October 18, 2012

Date Mailed: October 19, 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 60 days of the filing of the original request.

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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.

CSS/cr

cc:

