

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-8620
Issue No.: 1003; 3019
Case No.: [REDACTED]
Hearing Date: December 1, 2011
County: Wayne (49)

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 December 1, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] contact worker for Claimant's caseworker.

ISSUE

Did the Department properly close Claimant's FIP case and disqualify her from her FAP group for failure to cooperate 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. Claimant was an ongoing recipient of FIP and FAP benefits.
2. On October 10, 2011, the Department sent Claimant a Notice of Case Action notifying her that, effective November 1, 2011, her FIP case would close and her FAP benefits would be reduced to \$526 per month for the period from November 1, 2011, to March 31, 2011.
3. On October 20, 2011, Claimant filed a hearing request disputing the Department's action.

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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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 AACCS, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, any individual required to cooperate, who fails to cooperate without good cause, with paternity and obtaining child support causes group ineligibility for FIP benefits for a minimum of one month. BEM 255. An individual's failure to cooperate without good cause also results in disqualification of that individual from the FAP group,

with the result that the individual is removed from the FAP EDG group until the later of one month or when the client cooperates. BEM 255.

In this case, the Department testified that, based on information on its system indicating that Claimant was in noncompliance with child support as of October 10, 2011, it closed Claimant's FIP case and reduced Claimant's FAP benefits based on her disqualification. At the hearing, the Department was unable to produce any evidence concerning the noncooperation at issue. It could not produce a copy of the Notice of Noncooperation sent to Claimant indicating her noncompliance and could not verify whether one was sent. It did not know which of Claimant's three children was affected. The Department was given the opportunity to have someone from the Office of Child Support participate in the hearing but did not pursue the offer. Claimant credibly testified that she did not receive any notice from the Office of Child Support notifying her of any noncooperation and had unsuccessfully tried to contact the Office of Child Support. Because the Department produced no evidence concerning Claimant's noncooperation with her child support requirements other than its conclusion that its system indicated that Claimant refusal to cooperate with child support, the Department did not satisfy its burden of proof in this case to show that it closed Claimant's FIP case and reduced her FAP benefits in accordance with Department policy.

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 when .
 did not act properly when closed Claimant's FIP case and reduced her FAP benefits on the basis that Claimant was in noncooperation with child support.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the negative action closing Claimant's FIP case effective November 1, 2011, on the basis of noncooperation with child support;
2. Remove Claimant's disqualification as a member of her FAP group, effective November 1, 2011, for failure to cooperate with child support;
3. Recalculate Claimant's FAP budget to include Claimant in the FAP group for November 1, 2011, ongoing; and

4. Issue supplements to Claimant for FIP benefits and FAP benefits Claimant was entitled to receive, but did not, for November 1, 2011, ongoing.


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

Date Signed: December 14, 2011

Date Mailed: December 14, 2011

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/ctl

cc: 
Wayne County DHS (49)/1843



A.
File



Elkin