

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201315732
Issue No.: 1003
Case No.: [REDACTED]
Hearing Date: April 29, 2013
County: Oakland (03)

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 April 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits 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. On September 25, 2012, Claimant applied for Family Independence Program (FIP) benefits.
2. On November 9, 2012, the Department denied Claimant's application due to her noncooperation with child support reporting obligations.
3. On November 19, 2012, Claimant filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the Department of Human Services 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.

In this case, Claimant applied for FIP on September 25, 2012. The Department testified that its system indicated that Claimant was not in cooperation with her child support reporting obligations as of October 27, 2011. As a result, it sent Claimant a November 9, 2012 Notice of Case Action denying her FIP application.

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 they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (December 1, 2011), pp 1, 10-11.

At the hearing, the Department testified that the only evidence it had concerning the child support noncooperation was the sanction that appeared on its system showing that Claimant was noncompliant with her child support reporting obligations with respect to one child as of October 27, 2011, and that this sanction continued to appear on its system as of the date the hearing summary was prepared. Claimant testified that she had never been contacted by the Office of Child Support (OCS) with any request for information concerning the paternity of the child at issue and that she had not received any notice from the OCS advising her of any noncompliance. Claimant also testified that she had tried calling the OCS after she submitted her FIP application, that she input her social security number into the automated system, and that she was informed that she had no child support case. The Department testified that OCS had not asked to participate in the hearing, and, while it generally received a packet from OCS to support the child support sanction, it did not receive one for the current hearing.

The Department bears the burden of establishing that it acted in accordance with Department policy when it denied Claimant's FIP application. BAM 600 (February 1, 2013), pp 28-29. In light of the lack of any evidence by the Department to support its finding that a valid child support sanction had been applied to Claimant's case and to counter Claimant's testimony, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's FIP application on the basis of Claimant's failure to comply with child support reporting obligations.

DECISION AND ORDER

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it denied Claimant's FIP application.

Accordingly, the Department's decision is REVERSED.

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

1. Remove the child support noncooperation of October 27, 2011 from Claimant's record;
2. Reregister Claimant's September 25, 2012 FIP application;
3. Begin reprocessing Claimant's FIP application in accordance with Department policy and consistent with this Hearing Decision;
4. Issue supplements for any FIP benefits Claimant was otherwise eligible to receive but did not from September 25, 2012, ongoing; and
5. Notify Claimant in writing of its decision in accordance with Department policy.



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

Date Signed: 5/6/2013

Date Mailed: 5/6/2013

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

ACE/hw

cc:

