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

IN THE MATTER OF:



Reg. No.: 201317644

Issue No.: <u>2006</u>

Case No.:

Hearing Date: January 23, 2013

County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administ rative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on J anuary 23, 2013, from Detroit, Michigan. Participant s on behalf of Claimant included and an description. Participant s on behalf of the Description partment of Human Services (Department) included partment, PATH Case Manager.

<u>ISSUE</u>

Did the Department properly reduce Claimant's Food Assist ance Prog ram (FAP) benefits effective December 1, 2012, due to noncooperation with child support?

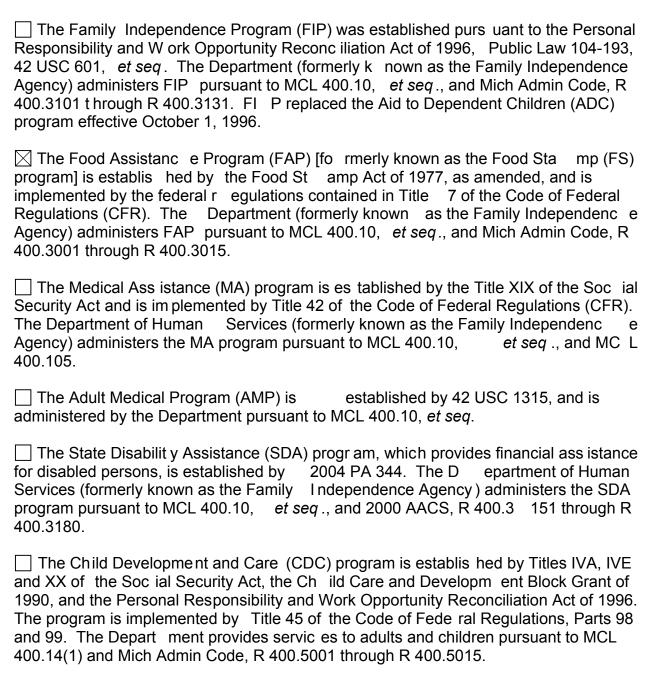
FINDINGS OF FACT

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

- Claimant was an ongoing FAP recipient.
- On November 9, 2012, the Department sent Cla imant a Notic e of Case Actio n notifying her that, effective December 1, 2012, she would be removed as a qualified member of her FAP group and her FAP benefits would be reduced.
- 3. On December 19, 2012, Claimant filed a hearing request, disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Br idges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).



Additionally, a client's cooperation with patternity and obtaining child stupport is a condition of FAP eligibility. BEM 255 (Dectember 1, 2011), p. 1. Parents must comply with all requests for action or information in needed to establish paternity and/or obtain child support on behalf of children for whom to they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255, p. 1. Failure to cooperate without good cause in results in disqualification for the adult member who fails to cooperate, which for FAP cases result is in the disqualification of the individual from the FAP group until the later of one mont in hor when the individual cooperates. BEM 255, 9-10, 11.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusion of Law, and for the reasons stated on the record, finds that the Department did act properly when did not act properly when it reduced Claimant's FAP benefits for failure to cooperate with child support reporting obligations.	
Accordingly, the Depar tment's decision is AFFIRMED REVERSED for the reasons stated on the record and above.	
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:	F

- 1. Remove t he child s upport noncooperation conc erning from Claimant's record;
- 2. Begin recalculating Claimant's FAP benefits, in accordance with Department policy and consistent with this Hearing Decision, to include Claimant as a group member, for December 1, 2012, ongoing; and
- 3. Issue supplements for any F AP benefits Claimant was otherwise eligible to receive but did not from December 1, 2012, ongoing.

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

Date Signed: January 30, 2013

Date Mailed: January 30, 2013

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or

reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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 <u>MAY</u> 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

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

ACE/cl

