

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-25570
Issue No: 1005, 3008
Case No: [REDACTED]
Hearing Date: April 18, 2013
Saginaw County DHS

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

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

ISSUE

Whether the Department properly closed the Claimant's case for Family Independence Program (FIP) benefits and reduced the Claimant's Food Assistance Program (FAP) benefits and due to noncooperation with child support?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. As of December 1, 2012, the Claimant was receiving FAP and FIP benefits.
2. On December 14, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Department was closing the Claimant's FIP case and reducing the Claimant's FAP benefits for noncooperation with the Office of Child Support.
3. After receiving the notice of case action, the Claimant contacted the Saginaw County Prosecutor's office and attempted to get an appointment to establish paternity and/or child support. The secretary at the Prosecutor's office indicated there were no appointments currently available.
4. On January 2, 2013, the Claimant went to the Prosecutor's office without an appointment and provided information to establish paternity and/or child support.

5. On or around January 2, 2013, the Prosecutor's office placed the Claimant in cooperation status.
6. On January 9, 2013, the Claimant requested a hearing.

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.

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.

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.

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.

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.

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).

In this matter, I was unable to verify whether or not contact/appointment letters were indeed sent to the Claimant from the Prosecutor's office. In addition, I cannot find any fault on behalf of the Claimant when she attempted to schedule an appointment but the Prosecutor's office told her there were no appointments available. Because I was unable to review these forms and because I find no fault on behalf of the Claimant as she tried but was unsuccessful in scheduling an appointment, I am reversing the Department in this matter.

Accordingly, I find the Department improperly closed the Claimant's FIP case and reduced the Claimant's FAP benefits for failure to comply with the Office of Child Support.

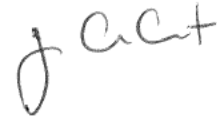
DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department improperly closed the Claimant's FIP case and reduced the Claimant's FAP benefits due to child support noncooperation.

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. Initiate a redetermination as to the Claimant's eligibility for FAP and FICAP benefits beginning January 1, 2013 and issue retroactive benefit if otherwise eligible and qualified.



Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: April 19, 2013

Date Mailed: April 19, 2013

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

CAA/las

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