

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

IN THE MATTER OF:

██████████
██████████
██████████

Reg. No.: 2013-34405
Issue Nos.: 1003
Case No.: ██████████
Hearing Date: June 12, 2013
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 conducted from Detroit, Michigan on June 12, 2013. Claimant appeared and testified. Participating on behalf of the Department of Human Services ("Department") was ██████████ ██████████ JET Family Independence Specialist Case Manager.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case on the basis of Claimant's noncompliance 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. Claimant was an ongoing recipient of FIP benefits.
2. On January 19, 2013, the Department sent Claimant a Notice of Case Action informing her that the Department intended to terminate her FIP benefits effective February 1, 2013 for failure to cooperate in establishing paternity or securing child support. (Exhibit 1).

3. On March 1, 2013, the Department received Claimant's request for a hearing disputing the closure of her FIP case.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services 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.

Additionally, the custodial parents 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 she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (December 2011), pp. 1, 10-11. A client's cooperation with paternity and obtaining child support is a condition of FIP eligibility. BEM 255, pp. 1, 9-10. Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month. The FIP case will close for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. BEM 255, p. 10.

In this case, Claimant requested a hearing to dispute the closure of her FIP case due to noncooperation with child support obligations. The Office of Child Support (OCS) did not participate in the hearing; however, the Department testified that OCS placed a noncooperation sanction on Claimant's FIP case for a failure to establish paternity or secure child support, which resulted in the case closure. On January 19, 2013, the Department sent Claimant a Notice of Case Action informing her of the closure effective February 1, 2013. (Exhibit 1). At the hearing, the Department testified that Claimant complied with the child support requirements on February 4, 2013, after her case had already closed. The Department stated that it was unable to reinstate Claimant's FIP case at that time and that Claimant was required to reapply after she served the one month penalty. BEM 255, p. 10.

At the hearing, Claimant testified that she only has two children, both of whom have the same father. Claimant previously provided the Department with the paternity information for both of her children and stated that the Department has three children listed on her FIP case and that one of her children is listed twice. Claimant informed the Department of this error on February 4, 2013. A further review of the Child Support Non-Cooperation Summary presented at the hearing supports Claimant's testimony. (Exhibit 2). It verifies that Claimant has two children, [REDACTED] with the same father listed. The

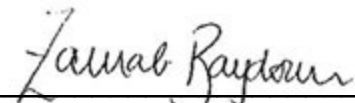
summary, however, has [REDACTED] name listed a second time, although this time, it indicates that the father is unknown. (Exhibit 2). This is a clear error by the Department. As such, the Department did not act in accordance with Department policy when it closed Claimant's FIP case for noncooperation with child support and imposed a one month ineligibility penalty on Claimant's FIP case.

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 not act in accordance with Department policy when it closed Claimant's FIP case for failure to cooperate with child support reporting obligations. Accordingly, the Department's FIP 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 one month penalty that was imposed on Claimant's FIP case;
2. Initiate reinstatement of Claimant's FIP case effective February 1, 2013 in accordance with Department policy;
3. Begin issuing supplements to Claimant for any FIP benefits that she was entitled to receive but did not from February 1, 2013, ongoing; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2013

Date Mailed: July 3, 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

ZB/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]