

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 2013-35963
Issue No: 1003
Case No: [REDACTED]
Hearing Date: April 25, 2013
Washtenaw 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 25, 2013 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED] and Kelly Stupple. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED].

ISSUE

Whether the Department properly closed the Claimant's Family Independence Program (FIP) benefits 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. On or around December 6, 2012, the Department discovered a trigger in Bridges indicating the Claimant was noncompliant with the office of child support [as of December 6, 2012](#).
2. On December 10, 2012, the Department sent the Claimant a notice of case action. The notice indicated the Claimant's FIP case was closing January 1, 2013 due to noncompliance with the office of child support.
3. On or around January 11, 2013, the Claimant contacted the office of child support. The office of child support told the Claimant she at no point in time was noncompliant and that there was a mistake made somewhere. The office of child support provided the Claimant with a letter indicating she was cooperative as of December 6, 2012.
4. On January 11, 2013, the Claimant contacted her worker ([REDACTED] [REDACTED]) and told him she was compliant with the office of child support.

5. On January 11, 2013, [REDACTED] checked the Bridges interface and found the Claimant to be compliant with the office of child support with an effective date of December 6, 2012.
6. Between January 11, 2013 and March 15, 2013, the Claimant and the Department attempted to resolve the issue with the Claimant.
7. At some point in time the Claimant requested a hearing and later withdrew the request for hearing as she thought the Department was going to re-instate her benefits for the month of January 2013.
8. On March 15, 2013, the Claimant requested a hearing after the Department failed to correct the data entry error.

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.

The FIP was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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.

In this matter, the Department did not present any evidence to indicate the Claimant was noncompliant with the Office of Child Support. What was presented indicated that more likely than not, there was a data entry [error](#) on behalf of the office of child support which triggered Bridges to indicate the Claimant was non-cooperative. Because there is no evidence of any act of noncooperation on behalf of the Claimant, I am reversing the Department in this matter.

Based on the evidence presented during the hearing, I find the Department improperly closed the Claimant's FIP 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 benefits due to child support noncooperation.

The Department is to initiate a redetermination of the Claimant's eligibility for FIP benefits beginning January 1, 2013 and is sue retroactive benefits if otherwise eligible and qualified.

Accordingly, the Department's actions are **REVERSED**.



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

Date Signed: April 26, 2013

Date Mailed: April 26, 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.

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.

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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

CAA/las

cc:

