

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

IN THE MATTER OF:



Reg. No. 2013 16156
Issue No. 1003
Case No. [REDACTED]
Hearing Date: February 6, 2013
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a three way telephone hearing was held on February 6, 2013. The claimant appeared and testified. [REDACTED] appeared on behalf of the Department of Human Services.

[REDACTED] appeared on behalf of the [REDACTED]

ISSUE

Whether the Department properly denied the Claimant's FIP Cash Assistance application due to non-cooperation with child support.

FINDINGS OF FACT

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

1. The Claimant applied for FIP cash assistance on October 19, 2012. At the application interview the Claimant advised the Department representative that there had been some previous issue with the Office of Child Support ("OCS") due to non-cooperation.
2. The Department sent the Claimant a Verification Checklist requesting that she contact the OCS to provide the office with information regarding the father of her child.
3. The Department issued a Notice of Case Action on 11/26/12, denying the Claimant's FIP application effective 11/16/12.

4. At the hearing the Office of Child Support appeared and provided first-hand information based on previous discussions with the Claimant regarding the identity of the father of her child.
5. The Claimant provided no information that would assist the OSC in locating the father. Some of the information provided was contradictory.
6. The Claimant did speak with the Office of Child Support on several occasions (5) but did not provide any information which proved to be accurate or useful regarding the father of her child, stating that she was intoxicated and did not know who the father was. The Claimant testified that she only met the father of her child for one night in Chicago and that she was with (sexually active) with two people around that time and did not know the identity of either party.
7. The information provided by the Claimant did not assist the Office of Child Support to locate the alleged father.
8. The Claimant requested a hearing on 12/3/12 protesting the denial of her FIP cash assistance case due to non-cooperation with child support.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

In the record presented, the Claimant responded to several inquiries and discussions with the Office of Child Support (OCS). The Claimant provided no useful information to assist the OCS in locating the father of her child. The witness on behalf of the OCS testified credibly that the Claimant had provided different versions of the situation and although she said she was intoxicated and did not know the name of the father, provided the Department with two names of [REDACTED] and provided a social security number which did not match. The OCS witness had taken detailed notes of the conversations with Claimant and had made a record of the discussions in the Department's records. All of the testimony provided by the OCS was based on first-hand knowledge from telephone discussions with the Claimant.

During the hearing the Claimant indicated that she had a one night stand in Chicago and did not know the name of the person. However she further testified that she saw this person in Detroit in October 2012 at a bar and she did not get the person's name and did not know the person's name. The Claimant also testified that she was with two partners during the period and did not know the name of either man. The Claimant testified that she did not recall much of the evening as she had been drinking and was intoxicated. It is noted in this regard that she was able to recall the individual she was with the evening she was intoxicated when she saw him several months later in Detroit in a bar. The OCS witness credibly testified that Claimant told them she met the man in Chicago and went to a hotel.

Based upon the Claimant's own testimony she has not provided even the least bit of information to assist in locating the father of her child and did not appear to have made much effort to discover his name and whereabouts. Further her story was unclear and contradictory to both the Office of Child Support and at the hearing and it is determined based upon her testimony that the testimony she provided was not credible.

As stated at the hearing the Claimant is not expected to locate the alleged father, but is required to provide the most basic of information (name, birth date, social security number and address).

The Claimant's cooperation has been less than useful. Although the Claimant testified she didn't know who the person was and claimed to be intoxicated, due to her lack of credibility and changing stories and the common names she provided, [REDACTED] it is determined that the OCS properly determined that the Claimant did not cooperate and thus her FIP cash assistance application was properly denied and she was also properly removed from her FAP Food Assistance group. Department of Human Services Bridges Eligibility Manual (BEM) 255 (October 2012).

Based upon the record as a whole, it appears that the Claimant has not attempted to locate the absent father, nor has the Claimant been forthcoming with any useful cooperation or information. The information she provided could apply to thousands of

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individuals and her testimony was not credible. Based upon the information that has been provided by the Claimant, and the testimony of the parties, it is determined that the Claimant has not cooperated. Thus, the Department properly denied the FIP application. Accordingly, it is determined

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, it is found that the Department properly denied the Claimant's FIP cash assistance application. The Department's actions are AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 13, 2013

Date Mailed: February 13, 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,

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- 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

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cc:

