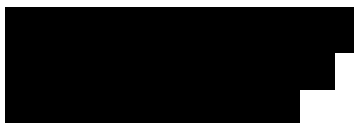


STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No. 2013 16392
Issue No. 1003
Case No. [REDACTED]
Hearing Date: January 14, 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 telephone hearing was held on January 14, 2013. The claimant appeared and testified. [REDACTED], FIS, appeared on behalf of the Department of Human Services.

ISSUE

Whether the Department properly closed her FIP Cash Assistance 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 was an ongoing recipient of FIP cash assistance. After a triage it was determined that the Claimant had good cause for non-participation and the FIP case was attempted to be reinstated. The Department could not reinstate the Claimant's FIP case due to an outstanding non-compliance with a request from the Office of Child Support.
2. The Department issued a Notice of Case Action on 10/12/12, closing the Claimant's FIP case effective 10/12/12.
3. The Claimant did speak with the Office of Child Support but did not provide any information regarding the father of her child, except that she met him at a party, could not describe him, and only had a nickname for the person. The Claimant did not recall any of the events of the evening as she had been drinking.

4. The information provided by the Claimant did not assist the Office of Child Support to locate the alleged father.
5. The Claimant requested a hearing on 12/3/12 protesting the closure of her FIP cash assistance 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 a Final Notice of Non-Cooperation and discussed the matter 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 Claimant advised the OCS only with the nickname of the alleged father and no further physical description was given. The Claimant attended a party with persons she did know and with others she did not know and did not do much to attempt to discover the identity of the father of her child. The Claimant does not recall much of the evening as she had been drinking. No full name, birth date or address was provided. Although the Office of Child Support was contacted, it did not appear through a representative. Notwithstanding the lack of attendance by the Office of Child Support, 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. As stated at the hearing, the Claimant is not

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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 did not know who the person was, she could have been more diligent in locating the father of her child. The Claimant's testimony was less than credible, and her lack of efforts overall to assist the Department and to find out more about the alleged father of her child does not exhibit cooperation.

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

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 closed the FIP case. Accordingly, it is determined that the Department did meet its burden of proof and properly closed the Claimant's FIP Cash Assistance due to non-cooperation. Department of Human Services Bridges Eligibility Manual, (BEM) 255 (October 2012).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's FIP cash assistance case. The Department's actions are AFFIRMED.



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

Date Signed: January 23, 2013

Date Mailed: January 23, 2013

LMF/cl

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 to:

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

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cc:

