

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2013 21224  
Issue No. 1003  
Case No. [REDACTED]  
Hearing Date: May 8, 2013  
Wayne County DHS (41)

**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 May 8, 2013. The claimant appeared and testified. [REDACTED] FIS, appeared on behalf of the Department of Human Services. The Office of Child Support did not appear.

**ISSUE**

Whether the Department properly closed the Claimant's FIP Cash Assistance case 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 Food Assistance FIP Cash assistance.
2. The Department issued a Notice of Case Action on December 13, 2012, effective January 1, 2013 which gave notice to the Claimant of an intended action to close the Claimant's FIP case effective January 1, 2013 for failure to cooperate in establishing paternity or securing child support. Exhibit 1
3. The Claimant did receive the December 13, 2012 Notice of Case Action.
4. The Claimant did not speak with the Office of Child Support or contact them at the number provided.

5. The Claimant attempted to contact her case worker by phone but did not reach her case worker.
6. The Claimant requested a hearing on December 20, 2012 protesting the closure 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 testified that she received the Notice of Case Action closing her FIP case but did not contact the Office of Child Support. The Claimant did attempt to call her assigned caseworker but did not make actual contact. The Claimant testified that she thought the closure was in error due to a previous mistake regarding her daughter's non-compliance, however that mistake was over one year prior to the current Notice received by the Claimant in December 2012. A review of the notice indicates that all the children listed in the notice are Claimant's children and advises that she was advised to call an 866 phone number if the non-cooperating person wishes to cooperate or has good cause not to cooperate. The Reason for Intended Action advises: "You or a group member failed to cooperate in establishing paternity or securing child support."

Based upon the record as a whole it appears that the Claimant did not attempt to contact the Office of Child Support at the number provided in the Notice of Case Action

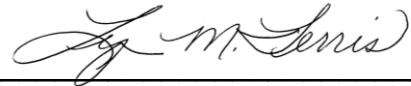
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and made no other effort other than to call her caseworker who did not respond. Based upon these facts it is determined that the reason for the FIP case closure was clear and the information was available to the Claimant to make contact and attempt to cooperate or establish good cause for not cooperating.

Based upon the testimony of the Claimant and the evidence presented by the Department it is determined that the Claimant has not cooperated and thus the Department's closure of Claimant's FIP case for failure to cooperate was correct. 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. BEM 255

### **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 Medical Assistance and FIP cash assistance case. The Department's actions are AFFIRMED.



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

Date Signed: May 30, 2013

Date Mailed: May 30, 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:

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- 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

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CC:

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]