

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

**IN THE MATTER OF:**

██████████  
████████████████████  
████████████████████

Reg. No.: 2013 36516  
Issue No.: 1025  
Case No.: ██████████  
Hearing Date: July 22, 2013  
County: Wayne (35)

**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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on July 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ FIS.

**ISSUE**

Did the Department properly close 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 FIP cash assistance.
2. The Department issued a Notice of Case Action to the Claimant on February 7, 2013 to an incorrect address.
3. Claimant filed a change of address with the Department in January 2013 giving the Department the correct address. The February 7, 2013 notice was not sent to Claimant at the changed address.
4. On March 1, 2013 the Department closed the Claimant's FIP case due to non-cooperation with the Office of Child Support based upon the February 7, 2013 Notice of Case Action.

5. The Claimant never received the February 7, 2013 Notice of Case action.
6. On March 18, 2013 the Claimant requested a hearing protesting his FIP case closure due to non-cooperation.

### **CONCLUSIONS OF LAW**

Department policies are contained in the 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 issue raised at the hearing was whether the Department correctly closed the Claimant's FIP Cash Assistance case effective March 1, 2013 due to non-cooperation with the Office of Child Support (OCS). During the hearing it was determined that the Claimant had provided the Department in January 2013 a change of address. The Notice of Case Action dated February 7, 2013 was sent to the wrong address and thus the Claimant did not receive notice to contact the OCS so that he could avoid case closure; therefore, the Department failed to notify the Claimant of the pending closure of his case. Subsequently on March 11, 2013 the Claimant provided the OCS the necessary information and the Claimant was found in cooperation. At the hearing based upon the Department's failure to send the Notice of Case Action to the Claimant at the correct address, an action tantamount to no notice, it is determined that the Claimant's FIP case should be reinstated effective March 1, 2013 and that the Department is required to determine Claimant's eligibility for FIP benefits on and after March 11, 2013, the date Claimant was found in cooperation by the Office of Child Support. BAM 220 (7/1/13) and BEM 255 (12/1/12)

### **DECISION AND ORDER**

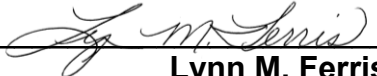
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

- did act properly when .  
 did not act properly when it closed the Claimant's FIP case for non cooperation with child support as the Claimant did not receive notice as it was sent to the wrong address.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate reinstatement of the Claimant FIP case retroactive to the date of closure, March 1, 2013 and determine the Claimant's eligibility for FAP benefits on and after March 11, 2013, the date the Claimant was in cooperation with OCS.
2. The Department shall issue a FIP supplement if any, the Claimant is otherwise entitled to receive in accordance with Department policy for FIP benefits he was otherwise entitled to receive.

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

Date Signed: August 1, 2013

Date Mailed: August 1, 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 affect the substantial rights of the claimant,
  - 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

LMF/cl

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
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