

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

IN THE MATTER OF:



Reg. No.: 201344058
Issue No.: 1003; 3008
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 May 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits due to her noncooperation with child support reporting obligations?

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP and FAP recipient.
2. On January 24, 2013, the Department sent Claimant a Notice of Case Action notifying her that, effective March 1, 2013, her FIP case would close and she would be removed as a qualified member of her FAP group and her FAP benefits would be reduced due to her failure to cooperate in establishing paternity or securing child support.

3. On April 24, 2013, Claimant filed a hearing request, disputing the Department's action.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the Department of Human Services 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 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 Mich Admin Code, R 400.3001 through R 400.3015.

Additionally, in a January 24, 2013 Notice of Case Action, the Department notified Claimant that, effective March 1, 2013, her FIP case would close and her FAP group size was reduced to one, resulting in the reduction of her FAP benefits because Claimant had failed to cooperate with child support requirements.

A client's cooperation with paternity and obtaining child support is a condition of FIP and FAP eligibility. BEM 255 (December 1, 2011), p 1. Parents must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255, p 1. If an individual required to cooperate with child support reporting obligations fails to do so without good cause, the FIP group is ineligible for FIP and the adult member who failed to cooperate is disqualified from the FAP group until the later of one month or when the individual cooperates. BEM 255, pp 9-11.

At the hearing, Claimant credibly testified that she received a December 22, 2012 "First Customer Contact Letter" from the Office of Child Support (OCS) and that, in compliance with the terms of the letter, she called the child support specialist identified on the letter at the number indicated by the January 11, 2013 deadline and left the requested information concerning the father of her child Ravin. Claimant credibly testified that she did not receive any further correspondence from OCS. Claimant assumed that the child support issue was resolved until she received the Notice of Case

Action from the Department informing her that her FIP case would be closed and her FAP benefits would be reduced because of her failure to comply with child support reporting obligations. At that point, she contacted the number on the Notice of Case Action, spoke to someone who told her he would get back to her. No one ever called her back. On February 22, 2013, she received a Cooperation Notice from OCS informing her that she was considered to be cooperating in establishing paternity and/or securing support as of February 21, 2013.

Claimant provided a copy of the December 22, 2012 First Customer Contact Letter, whose terms, consistent with Claimant's testimony, allowed her to leave the requested information in a voicemail message or, alternatively, download an online form to complete and submit to OCS. The Department did not have a representative from OCS participate in the hearing and no hearing packet was submitted by OCS concerning the actions it had taken. Under the facts in this case, where Claimant credibly testified that she complied with her child support reporting obligations by January 11, 2013, in accordance with the terms of the December 22, 2012 letter from OCS, the Department did not act in accordance with Department policy when it closed Claimant's FIP case and reduced her FIP benefits.

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 not act in accordance with Department policy when it closed Claimant's FIP case and reduced her FAP benefits for failure to cooperate with child support reporting obligations.

Accordingly, the Department's decision is REVERSED.

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

1. Remove the child support noncooperation concerning Ravin from Claimant's record;
2. Reinstate Claimant's FIP case effective March 1, 2013;
3. Begin recalculating Claimant's FAP benefits, in accordance with Department policy and consistent with this Hearing Decision, to include Claimant as a qualified FAP group member, from March 1, 2013, ongoing; and
4. Issue supplements to Claimant for any FAP and/or FIP benefits she was otherwise

eligible to receive but did not from March 1, 2013, ongoing.


Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 6/7/2013

Date Mailed: 6/7/2013

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 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

ACE/hw

cc:

