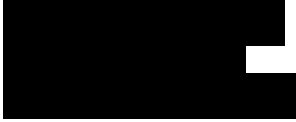


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 2013-47719
Issue No.: 1025
Case No.: [REDACTED]
Hearing Date: July 31, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 31, 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, and [REDACTED] Family Independence Manager. Also, the Office of Child Support (OCS) was not present for the hearing.

ISSUE

Did the Department properly deny Claimant's Family Independence Program (FIP) application effective February 16, 2013, ongoing, due to her failure to establish paternity and/or obtain 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. On April 11, 2008, Claimant was placed in non-cooperation status with the OCS. See Exhibit 1.
2. In January or February 2013, Claimant applied for FIP benefits.
3. On March 6, 2013, the Department sent Claimant a Notice of Case Action denying Claimant's FIP application effective February 16, 2013, due to her non-cooperation status with the OCS. Exhibit 1.
4. On May 9, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.

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.

In this case, on April 11, 2008, Claimant was placed in non-cooperation status with the OCS. See Exhibit 1. In January or February 2013, Claimant applied for FIP benefits. On March 6, 2013, the Department sent Claimant a Notice of Case Action denying Claimant's FIP application effective February 16, 2013, due to her non-cooperation status with the OCS. Exhibit 1. On May 9, 2013, Claimant filed a hearing request, protesting the Department's action. Exhibit 1.

The custodial parent of children 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 (December 2011), p. 1. Failure to cooperate without good cause results in disqualification. BEM 255, p. 1. Any individual required to cooperate who fails to cooperate without good cause causes FIP group ineligibility for a minimum of one month. BEM 255, p. 10. For FIP applications, client has 10 days to cooperate with the OCS. BEM 255, p. 10. The Department informs the client to contact the OCS in the verification check list (VCL). BEM 255, p. 10. The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true: there is a begin date of non-cooperation in the absent parent logical unit of work; there is not a subsequent comply date; support/paternity action is still a factor in the child's eligibility; and good cause has not been granted nor is a claim pending. BEM 255, p. 10.

At the hearing, Claimant testified that she first learned of her non-cooperation regarding her son with the March 6, 2013 FIP denial letter. However, it was discovered during the hearing that Claimant should have been aware that she was in non-cooperation with the OCS based on her own submitted exhibit. See Exhibit A. This document is dated November 3, 2011 and originated from the OCS, which addresses child support issues regarding her child. See Exhibit A. Moreover, the Department provided as evidence Claimant's non-cooperation notice which is dated April 11, 2008. See Exhibit 1. Nevertheless, Claimant testified that she contacted the Friend of the Court and never received any contact and/or issues regarding her child. The Department testified that Claimant had to also contact the OCS and not only the Friend of the Court to resolve her non-cooperation status. It should be noted that the Department could not provide testimony or evidence that a VCL was sent to Claimant requesting that she cooperate with the OCS.

Based on the foregoing information and evidence, the Department improperly closed Claimant's FIP benefits effective February 16, 2013. It is evident that Claimant was aware that she was in non-cooperation with the OCS based on the submitted exhibits. See Exhibits 1 and A. However, the Department failed to follow procedures by informing the Claimant to contact the OCS in a VCL. BEM 255, p. 10. The Department did not present any testimony or evidence to support that it sent such a document.


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 properly when it denied Claimant's FIP application effective February 16, 2013, ongoing.

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. Initiate reregistration Claimant's FIP application;
2. Begin reprocessing the application/recalculating the FIP budget for February 16, 2013, ongoing, in accordance with Department policy;
3. Begin informing the Claimant to contact the OCS in a verification check list (VCL), if she is subject to a non-cooperation status with the OCS;
4. Begin issuing supplements to Claimant for any FIP benefits she was eligible to receive but did not from February 16, 2013, ongoing; and
5. Begin notifying Claimant in writing of its FIP decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 26, 2013

Date Mailed: August 26, 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

EJF/las

cc:

