

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2013-48309  
Issue Nos.: 1005, 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: June 17, 2013  
County: Oakland (63-02)

**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 June 17, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) and Medical Assistance (MA) cases and reduce her Food Assistance Program (FAP) benefits for 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 recipient of FIP, FAP and MA benefits.
2. On May 8, 2013, the Department sent Claimant a Notice of Case Action informing her that, effective June 1, 2013, her FIP and her MA cases would close and her FAP benefits would be reduced because she had failed to cooperate in establishing paternity or securing child support.
3. On May 17, 2013, Claimant filed a hearing request, protesting the Department's actions concerning her FIP and FAP cases.

## **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 1999 AC, R 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.

Additionally, the Department did not provide a copy of the applicable Notice of Case Action with its hearing packet but testified that it sent Claimant a Notice on May 8, 2013, notifying her that, effective June 1, 2013, her FIP and MA cases would close and her FAP benefits would be reduced because she failed to cooperate in establishing paternity or security child support. Claimant requested a hearing concerning the closure of her FAP and FIP cases. At the hearing, Claimant also indicated that she wished to address the closure of her MA case. Although Claimant's hearing request did not reference her MA case, because the child support noncooperation issue that affected Claimant's FIP and FAP cases also affected her MA case, this Hearing Decision will address Claimant's MA benefits as well as her FIP and FAP benefits.

Department policy requires that 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 1, 2011), p. 1.

Claimant has one child. The OCS participated in the hearing and testified that it contacted Claimant by letter on February 25, 2013, and on March 18, 2013, requesting that she complete and mail in a questionnaire or call her OCS child support specialist to provide information concerning her son's father. Claimant did not respond to either letter. On May 8, 2013, the OCS sent Claimant a Noncooperation Notice informing her

that her failure to respond to the previous letters in connection with the child support program would affect her Department benefits.

Claimant admitted at the hearing that she received the letters from OCS but did not contact OCS until May 16, 2013. The OCS acknowledged that Claimant contacted her child support worker on May 16, 2013, and provided the father's name and information that she had met him at [REDACTED]. She later contacted OCS with information that the father attended [REDACTED]. OCS credibly testified that it contacted both institutions with requests for information concerning an individual with the name Claimant reported, and variations of the spelling of the name, and both institutions responded that there was no one who matched the provided information.

At the hearing, Claimant alleged that she provided OCS with all the information she had concerning her son's father. Cooperation is required in all phases of the process to establish paternity and obtain support and includes providing all known information about the absent parent. BEM 255, p. 8. OCS concluded that Claimant remained in noncompliance because she had not provided sufficient information which could assist OCS in identifying the father. OCS pointed out that Claimant had given her son the father's last name and that she had referenced a CD release on her Facebook page by a performer that shared part of the father's reported name. Under the facts presented, OCS could properly conclude that Claimant did not disclose all known information concerning the father and, as such, was not in cooperation with her child support reporting obligations.

Because Claimant was in noncooperation with child support reporting obligations, the Department acted in accordance with Department policy when it closed her FIP case and reduced her FAP benefits by designating her as a disqualified member of her FAP group. BEM 255, pp. 10, 11-12; BEM 212 (November 1, 2012), p. 7. Because Claimant's son receives MA and the child lives with Claimant, the Department also acted in accordance with Department policy when it closed Claimant's MA case. BEM 255, p. 11.

### **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 acted in accordance with Department policy when it closed Claimant's FIP and MA cases and reduced her FAP benefits.

Accordingly, the Department's FIP, FAP and MA decision is AFFIRMED.



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

Date Signed: June 19, 2013

Date Mailed: June 19, 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,
  - 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/pf

cc:

