

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

IN THE MATTER OF:



Reg. No.: 201355889
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: August 7, 2013
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 conducted on August 7, 2013. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included FIS Timmer. During the hearing it was determined that the action regarding Claimant's Medical Assistance (MA) was not related to cooperation with the Office of Child Support and the MA portion of this hearing is dismissed.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) on June 1, 2013, for failure to cooperate with the Office of Child Support?

Did the Department properly remove Claimant's from her Food Assistance Program (FAP) benefit group on June 1, 2013, for failure to cooperate with the Office of 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. Claimant was an ongoing recipient of Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.
2. On April 25, 2013, Claimant was placed in non-cooperation status for missing appointments with the Prosecuting Attorney's office.

3. On April 26, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated that on June 1, 2013, her Family Independence Program (FIP) would close and her Food Assistance Program (FAP) benefits would be reduced.
4. On June 28, 2013, Claimant submitted a request for hearing.

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.

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.

During this hearing Claimant did not dispute missing appointments with the Prosecuting Attorney's office. Claimant asserts that she had good cause for missing the appointments because she was in the hospital. The Department of Human Services Michigan IV-D Child Support Manual (2012) pages 8 & 9 direct that the Office of Child Support and the Prosecuting Attorney's office are able to determine if a custodial parent is in noncooperation and once noncooperation is determined, the case will remain in the functional area of the decision maker until (s)he makes a determination of cooperation, good cause, or IV-D case closure eligibility.

The authority and jurisdiction of an Administrative Law Judge conducting hearings on Department of Human Services' assistance benefit cases, does not go beyond actions of the Department of Human Services. Neither is there authority to make decisions on constitutional grounds, overrule statutes, overrule promulgated regulations or overrule or make exceptions to the department policy set out in the program manuals.

Regardless of any evidence presented at this hearing, the actions of the Prosecuting Attorney's office are not subject to decisions in this hearing. It was explained to Claimant that she will have to present evidence of her reasons for missing the appointments to the Prosecuting Attorney's office so they may determine if she had good cause.

A detailed analysis of the evidence presented, applicable Department policies, and reasoning for the decision are contained in the recorded record. During the hearing Claimant was informed of the decision and the reasoning behind the decision.

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 properly closed Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) on June 1, 2013, for failure to cooperate with the Office of Child Support.

It is ORDERED that the actions of the Department of Human Services, in this matter, are **UPHELD**.

/s/

Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 08/12/2013

Date Mailed: 08/13/2013

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.

201355889/GFH

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

GFH/sw

cc:

