

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

IN THE MATTER OF:

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Reg. No.: 2014 21275
Issue No(s): 1002, 1011
Case No.: ██████████
Hearing Date: March 13, 2014
County: Wayne (41)

ADMINISTRATIVE LAW JUDGE: LYNN M. FERRIS

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on March 13, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Interpreter, ██████████ Eligibility Specialist. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator, and ██████████ Lead Specialist, Office of Child Support.

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) case 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 applied for FIP on December 17, 2013.
2. On December 17, 2013, the Department sent Claimant a Verification Checklist (VCL) which required Claimant to return specific documents and to contact the Office of Child Support by December 27, 2013. (Exhibit 3).
3. Claimant did not contact the Office of Child Support until December 30, 2013 after the VCL due date.

4. On January 2, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP case would be denied effective January 16, 2014, because she failed to cooperate in establishing paternity or securing child support.
5. On January 6, 2014, Claimant filed a request for hearing disputing the Department's actions concerning her FIP case. (Exhibit 1).

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), and 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, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

Additionally, the Department denied Claimant's FIP application effective January 16, 2014 because Claimant failed to comply with her child support reporting and cooperation obligations. Department policy requires that the custodial parent or alternative caretaker of children 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, (October 2013).

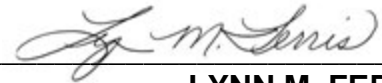
Claimant was sent a Verification Checklist on December 17, 2013 which requested that she submit specific documentation by December 27, 2013. The checklist also required Claimant to contact the Office of Child Support and comply with Child Support requirement. (See Exhibit 3). Although Claimant utilized the services of an interpreter at the hearing, she testified that she received and understood the Verification Checklist. Claimant further stated that she was aware that she was required to comply with the terms of the checklist by December 27, 2013.

The Office of Child Support (OCS) participated in the hearing and testified that the first contact with Claimant occurred on December 30, 2013. Claimant acknowledged that she did not contact the OCS on or before December 27, 2013. The OCS confirmed that Claimant was placed in cooperation status as of January 30, 2014.

Based upon Claimant's failure to timely contact the OCS as required, the Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Claimant's application for FIP benefits.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



LYNN M. FERRIS
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: March 19, 2014

Date Mailed: March 19, 2014

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-07322

2014-21275/LMF

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
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