

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

IN THE MATTER OF:

██████████
████████████████████
████████████████████

Reg. No.: 2014 21768
Issue No(s): 1002, 1011
Case No.: ██████████
Hearing Date: February 27, 2014
County: Wayne DHS (15)

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, a three way telephone hearing was held on February 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant, Participants on behalf of the Department of Human Services (Department) included ██████████, PATH Case Manager. ██████████, Lead Support Specialist, also appeared on behalf of the Office of Child Support.

ISSUE

Did the Department properly close the Claimant's Family Independence Program (FIP) case for non-cooperation 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 receiving FIP benefits.
2. On November 2, 2013, the Department sent a Notice of Case Action closing Claimant's FIP case effective December 1, 2013 for failure to cooperate with the Office of Child Support to establish paternity and secure child support. The Notice advised the Claimant to contact the Office of Child Support to establish good cause or to cooperate.
3. Claimant did contact the Office of Child Support but did not provide any information regarding the paternity of her child or any basis for good cause.

4. On December 27, 2013 the Claimant filed a request for hearing disputing the Department's actions concerning her FIP case.

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 December 1, 2013 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 did contact the Office of Child Support (OCS) on two occasions. Notes of both phone conversations recorded by the OCS interviewers were reviewed at the hearing and were admitted as Exhibits 2 and 3. The first contact made by the Claimant was on October 2, 2013. The conversation lasted approximately 30 minutes. During the conversation, the OCS notes pregnancy likely December 5, 2012. The notes further indicated that Claimant said she had sex with a partner at [REDACTED] that she did not know the person's name and that she did not know the date or the room she stayed in. The notes further indicated that she had several partners, 3-4 in December 2012, and the Claimant did not know the date she got pregnant.

At the hearing Claimant testified that she found out on December 14, 2012 that she was pregnant and later on found out on January 14, 2013 at her first ultra sound, that she was 8 weeks pregnant. Thus it is determined that during her conversations with OCS in October 2013 (8 months after the events leading to her pregnancy), the Claimant had information available about the date(s) she became pregnant. If the information provided at the hearing by Claimant's testimony is correct, Claimant would have gotten pregnant in October or November 2012. During the October 2013 conversation with OCS, the Claimant provided no names for any of the persons she had sex with in October or November 2012.

A second conversation with OSC occurred on November 13, 2013. During that conversation the notes indicate that the Claimant advised the OCS that the December

5, 2012 conception date given by OCS was wrong, and she would have gotten pregnant later in December in Las Vegas. However, the information given to OCS did not reference that the Claimant knew when she first got pregnant and knew she was 8 weeks pregnant in January 2013 even though known to Claimant. At the hearing the Claimant testified that she was in Las Vegas from November 15-17, 2012 not December 2012. The Claimant did not give any details of the person, or the name of the person she had sex with in Las Vegas.

A review of the evidence indicates that Claimant had several sex partners and did not know the names of any of them or the dates or other details of what occurred it is determined that Claimant's testimony is not credible and the information provided to OCS was not information which would allow the OCS to determine paternity. .

Based upon Claimant's failure to provide any details regarding the names of any of the individuals she may have engaged in sex with in October, November or December 2012, and the conflicting information provided to OCS and at the hearing as outlined above, and no attempt to determine the dates she was at [REDACTED] or any of the room numbers at the [REDACTED] or [REDACTED] it is determined that the Claimant's testimony is not credible. Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, it is determined that the Department acted in accordance with Department policy when it properly found that the Claimant refused to cooperate and correctly closed her FIP case.

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

LMF/cl

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]