

**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.: 14 007902
Issue No(s): 1011
Case No.: ██████████
Hearing Date: August 27, 2014
County: Wayne (55)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 telephone hearing was held on August 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator, and ██████████, Eligibility Specialist.

ISSUE

Did the Department properly reduce Claimant's Family Independence Program (FIP) benefits for failure to cooperate with the Office of Child Support (OCS)?

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 FIP recipient.
2. On April 10, 2014, the OCS sent correspondence to Claimant requesting that she provide identifying information about the father of her child.
3. On May 9, 2014, the OCS sent Claimant correspondence again requesting that she provide identifying information about the father of her child.
4. On June 4, 2014, the OCS sent Claimant correspondence notifying her that she had been placed in non-cooperation status and that her failure to cooperate would result in a reduction of her benefits.

5. On June 5, the Department sent Claimant a Notice of Case Action informing her that her FIP benefits were decreased for failure to cooperate with OCS.
6. On July 10, 2014, Claimant filed a Request for Hearing disputing the Department's Actions.

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), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

The Department indicated that it was unaware of any arrangements made to have the OCS appear at the hearing. The Department provided a telephone number for the OCS. The OCS was contacted shortly after commencement of the hearing. The OCS indicated that it would participate in the hearing. However, by the conclusion of the hearing, the OCS had not contacted the hearing office requesting to participate in the hearing. Accordingly, the hearing was conducted without the participation of the OCS.

Additionally, Department policy requires the custodial parent of children to 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 (October 2013), p. 1.

Claimant stated that the man she left the bar with stated his name was KD. The only other identifying information Claimant was able to provide was that he was tall and light skinned. Claimant provided the following testimony:

- Claimant went to Las Vegas with her friends but separated from her friends while at the bar with a complete stranger;
- Claimant left the bar with a complete stranger to get additional drinks after she felt "woozy";
- Claimant, who has never had sexual intercourse with a man, failed to call the authorities after waking up naked and alone in a strange hotel; and
- Instead of using the closest telephone available, Claimant went downstairs and either used the hotel lobby telephone or that of a complete stranger without telling anyone what could occurred.

Although Claimant's version of her time in Las Vegas is not what would be considered typical behavior, it is plausible that the events could have unfolded as she explained. In Claimant's request for hearing, she stated that the pregnancy was the result of a one-time, unintended encounter with a stranger in Las Vegas. Claimant provided substantially similar testimony at the hearing. Further, Claimant stated that she provided the OCS with the same information. Given that Claimant's statement of a one-time encounter with a stranger in Las Vegas has remained consistent and that the OCS failed to appear at the hearing to articulate what it based the non-cooperation upon, it is found that Claimant has provided all available information and has therefore cooperated with the OCS.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with policy when it reduced Claimant's FIP benefits for failure to cooperate with the OCS.

DECISION AND ORDER

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support noncompliance entered on or about June 4, 2014 from Claimant's record;
2. Reinstate Claimant's FIP case reduced as a result of the June 4, 2014 Non-cooperative Notice; and
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not as a result of the June 4, 2014 Non-cooperative Notice.



JACQUELYN A. MCCLINTON
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: September 5, 2014

Date Mailed: September 5, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

JAM/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
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