

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-012202  
Issue No.: 1011  
Case No.: [REDACTED]  
Hearing Date: December 18, 2014  
County: WAYNE PATH TO POT

**ADMINISTRATIVE LAW JUDGE: Lynn 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 December 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], FIS/ Success Coach. [REDACTED]e, Lead Specialist from the Office of Child Support also appeared as a witness.

**ISSUE**

Did the Department properly close the Claimant's FIP cash assistance due to noncooperation 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. The Claimant was an ongoing recipient of FIP cash assistance. By Notice of Case Action dated August 8, 2014, the Department closed the Claimant's case effective September 1, 2014.
2. The Claimant spoke to the Office of Child support on several occasions and was aware that she had been found in noncompliance and noncooperation. The Claimant received the June 30, 2014 Noncooperation Notice sent to her by the Office of Child Support. Exhibit 2
3. The Claimant conceived her son, the subject of this non-cooperation matter, in 2003.

4. The Claimant requested a hearing on September 5, 2014 protesting the Department's closure of 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), 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.

Additionally, the issue in this case involves whether or not the Claimant provided sufficient and adequate information available to her to assist the Office of Child Support in determining the identity of the father of her 11-year-old male child. The Claimant credibly testified that she met a man whose name she no longer knows in 2003 and cannot recall his description other than he was Caucasian, due to the fact that she was intoxicated when she met him only once and had sex with him. She did not see the man again. The Claimant further credibly testified that at the time she had no other sexual partners. In 2004, the Office of Child Support closed the Claimant's case after speaking with her regarding the facts and circumstances of the birth of her child, the subject of the current investigation.

The Claimant has spoken to the Office of Child Support on several occasions after receipt of the Noncooperation Notice. Exhibit 1 p. 1. During the time she spoke to the Office of Child Support, the Claimant advised them that she had no knowledge of who the father was, that she conceived her child in [REDACTED] while she was intoxicated, and has no memory or other information to provide the Department regarding the identity of her child's father. The Claimant's son's birth certificate indicates the father is unknown. The Claimant was asked to provide prenatal records and attempted to obtain the records from [REDACTED]. The Claimant testified that she did obtain 44 pages of medical records regarding her pregnancy with her son, and that she reviewed all of said records and they were devoid of any reference regarding the paternity of the child or any names of potential fathers. None of the records were office visit records. After she obtained the records, the Claimant credibly testified she advised the Office of Child Support she had the records and they did not contain any information regarding the name or other identification of the child's father. Claimant credibly testified that the Office of Child Support told her that the records were not relevant. The Claimant could not recall the name of the individual she spoke to at the Office of Child Support. The Claimant also has two other children and receives child support from the father of one of

her children and no support for the other child, as the father died and thus no one is available to provide support for the child. Therefore, based on the record as a whole, the Department has not demonstrated that the Claimant has refused to cooperate, or that she failed to provide or disclose to the Department information which would lead or assist them in obtaining the identity of the child's father. Therefore, based on these facts, the Department improperly closed the Claimant's FIP case.

BEM 255 ( 0/1/14) page 9 provides:

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests).

Based upon the evidence presented and the credibility of the Claimant, it is determined that the Claimant based upon the above-referenced requirements has met the definition of cooperation.

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 Department policy when it closed the Claimant's FIP cash assistance case due to noncooperation. The Claimant is deemed in cooperation as of September 1, 2014, the date of her FIP case closure.

### **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. The Department shall reinstate the Claimant's FIP as of the date of closure and shall remove the noncooperation notice and finding that the Claimant is non-cooperative as of that date.

2. The Department shall supplement the Claimant for any FIP benefits the Claimant is otherwise eligible to receive in accordance with Department policy.



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**Lynn Ferris**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: **12/19/2014**

Date Mailed: **12/19/2014**

LMF / tm

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, 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 48909-8139

cc:

