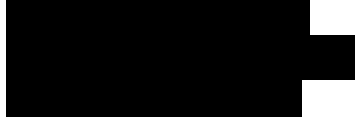


**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:



Reg. No.: 14-000670
Issue No.: 1011;3011
Case No.: [REDACTED]
Hearing Date: May 6, 2014
County: OAKLAND-DISTRICT 4

ADMINISTRATIVE LAW JUDGE: Darryl T. Johnson

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 May 6, 2014, from Lansing, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included Family Independence Specialist [REDACTED]. Participating on behalf of the Office of Child Support (OCS) was Lead Specialist [REDACTED].

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP, or cash assistance) and reduce her Food Assistance Program (FAP) benefits?

It is noted that Claimant's hearing request identified Medical Assistance (MA) as an issue. The parties stipulated during the hearing that there is no issue with MA that Claimant believes needs to be resolved. Therefore, this hearing does not address MA.

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 on-going recipient of FIP and FAP from the Department.
2. On June 11, 2012, the Department mailed to Claimant a First Customer Contact Letter (Exhibit 1 Pages 8-10) with a due date of December 4, 2012.
3. On December 15, 2012, the Department mailed to Claimant a Final Customer Contact Letter (Exhibit 1 Pages 20-24) with a due date of February 21, 2013.

4. Claimant did not respond to either letter.
5. On March 2, 2013, the Department mailed to Claimant notice that she was considered in non-cooperation with the Office of Child Support (OCS). (Exhibit 1 Page 26.)
6. On February 14, 2014, the Department mailed to Claimant a Notice of Case Action informing her that her FIP was being closed effective March 1, 2014 because she failed to cooperate in establishing paternity or securing child support. (Exhibit 1 Page 40-46.)
7. On April 2, 2014, Claimant requested a hearing.

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, 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.).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Department's philosophy and policy with respect to child support cooperation is found in BEM 255.

"Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent." "The custodial parent or alternative caretaker of children must 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."

When it comes to FIP, CDC Income Eligible, MA and FAP,

“Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance (TOA); see Support Disqualification in this item.”

At page 9 of BEM 255, the applicant’s responsibility to cooperate with respect to child support is described more fully:

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).

The penalties for failure to cooperate are found at page 11. The penalty in the FIP is that the client is disqualified until she cooperates. “Bridges informs the client to contact the OCS in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

There is a begin date of non-cooperation in the absent parent logical unit of work.

There is **not** a subsequent comply date.

Support/paternity action is still a factor in the child’s eligibility.

Good cause has not been granted nor is a claim pending; see **Good Cause For Not Cooperating** in this item.”

If the Claimant does not cooperate, “Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month.

“Bridges will close FIP for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. The disqualification is effective the first day of a month.”

Claimant testified: she met a man ([REDACTED]) at a party she went to with her roommate; it was a party the roommate learned about through Twitter; the party was at a home in Novi and Claimant had never been to Novi before; there were 30-40 people

at the party; Claimant stayed in touch with the man for a while via cellphone after the party, but lost that phone and has replaced her cellphone many times since the party, so she no longer has the man's phone number; the man from the party is the father of her child.

"Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews." BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

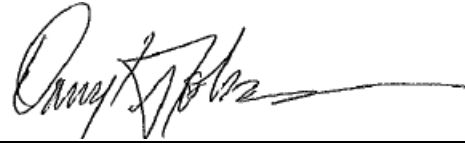
The issue is whether the Claimant provided timely verification in response to the request, or at least made a reasonable effort to provide verification.

Claimant had contact with the child's father after the child's conception. She had his telephone number. Even though she no longer has his number, she could go to her cellphone carrier and request copies of her telephone records for the time that she had contact with him. She has not been back to the home where she went to the party. She did not respond to the letters the OCS mailed to her asking for her help in locating the child's father. Claimant's credibility is questionable because her testimony during the hearing was not consistent, and was different from statements she previously made to the OCS. She has not been persuasive in her testimony as to why she cannot provide more assistance to 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 acted in accordance with Department policy when it closed Claimant's FIP benefits and reduced her FAP.

DECISION AND ORDER

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



Darryl T. Johnson
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **5/7/2014**

Date Mailed: **5/7/2014**

DTJ / las

cc:

