

**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.: 14-002386
Issue No.: 2011, 3011
Case No.: ██████████
Hearing Date: June 12, 2014
County: WAYNE-DISTRICT 17

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 June 12, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Case Manager, and on behalf of the Office of Child Support (OCS), ██████████, Lead Specialist.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce Claimant's Food Assistance Program (FAP) benefits 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 an ongoing recipient of FIP and FAP benefits.
2. On February 28, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FIP case would close and her FAP benefits would reduce effective April 1, 2014 because she failed to cooperate with the Office of Child Support.
3. On May 9, 2014, Claimant filed a Request for Hearing disputing the Department's actions concerning her FIP and FAP 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.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

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.

In this case, the OCS participated in the hearing and testified that Claimant was placed in non-cooperation status for one daughter (child one) on February 26, 2014. As a result, the Department sent Claimant a Notice of Case Action notifying her that her case would close effective May 1, 2014 for failing to cooperate with the OCS. The OCS stated at the hearing that Claimant was placed back into cooperation status on May 1, 2014. Claimant was aware that she had been placed in non-cooperation status and agreed that she complied as of May 1, 2014.

The OCS also indicated that Claimant had been placed in non-cooperation status for her other daughter (child two) as of April 23, 2014. However, that non-cooperation status was removed on May 16, 2014 with an effective date of April 23, 2014. Accordingly, the non-compliant status should have been removed from Claimant's records on May 1, 2014. However, the representative on behalf of the Department testified it had no record that Claimant was found to have cooperated with the OCS as of May 1, 2014. As such, the Department closed Claimant's FIP benefits effective May 1, 2014.

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 policy when it closed Claimant's FIP case and reduce Claimant's FAP

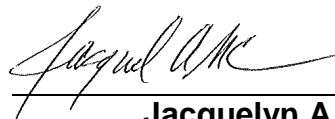
benefits for non-cooperation with the OCS from April 1, 2014 through April 30, 2014. However, it is found that the Department did not act in accordance with policy when it failed to reinstate Claimant's FIP benefits and increase Claimant's FAP benefits effective May 1, 2014, based on a group size of 3.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED IN PART** and **REVERSED IN PART**.

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 sanction from Claimant's record for child one as of May 1, 2014 and for child two as of April 23, 2014;
2. Reinstate Claimant's FIP case effective May 1, 2014, ongoing;
3. Increase Claimant's FAP benefits based on a group size of 3 as of May 1, 2014, ongoing; and
4. Issue supplements to Claimant for any FIP and FAP benefits she was eligible to receive but did not from May 1, 2014 ongoing.



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **6/19/2014**

Date Mailed: **6/19/2014**

JAM/cl

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 48909-07322

CC:

[Redacted list of recipients]