

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-016226
Issue No.: 1002; 6002; 3002
Case No.: [REDACTED]
Hearing Date: December 18, 2014
County: OAKLAND-DISTRICT 3

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 December 18, 2014, from Lansing, Michigan. Participants on behalf of the Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Eligibility Specialists, [REDACTED] and [REDACTED].

ISSUE

Did the Department properly take action to deny the Claimant's application for Family Independence Program (FIP), Food Assistance Program (FAP) and Child Development and Care (CDC) benefits?

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 applied for FAP, FIP and CDC.
2. On August 14, 2014, the Claimant was sent a DHS-3503, Verification Checklist informing the Claimant that she needed to provide verification of compliance with the Office of Child Support (OCS), and that the proofs were due by August 25, 2014.
3. On August 14, 2014, the Department sent the Claimant a DHS-1605, Notice of Case Action, informing the Claimant that her application for FIP was denied due to excess income. The notice also informed the Claimant that her application for CDC was denied because she failed to cooperate with child support requirements. There is no DHS-1605, Notice of Case Action in evidence for FAP; however, the Department testified that FAP was denied due to the Claimant's failure to cooperate with the OCS.

4. The Claimant's hearing request is date stamped October 28, 2014, though the Claimant testified she submitted her hearing request in August 2014, and the hearing request is dated by the Claimant as being signed on August 18, 2014.
5. On November 5, 2014, the Claimant was found to be compliant with the OCS.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, the Claimant testified that she understood that she earns too much income to be eligible for cash assistance. As the Claimant testified that she understood that the Department's actions were proper and correct regarding this issue the Administrative Law Judge determines that the Department was acting in accordance with its policy when it determined that the Claimant had excess income to be eligible for FIP.

The Claimant also testified that she understood that the penalty for noncooperation with the OCS prevented her from being eligible for CDC and FAP benefits. The Claimant testified that she felt she should be eligible for FAP and CDC benefits for September and October 2014, as she submitted her hearing request in August 2014. The Claimant conceded on the record that she ignored the first two contact letters sent to her from the OCS. The Claimant testified that she did not know why she didn't get in touch with the OCS sooner. The Claimant testified that since she has been cooperative with the OCS,

she feels she should be awarded benefits for the month of September and October 2014.

Additionally, Bridges Eligibility Manual (BEM) 255 (2014) pp. 1, 2, provides that cooperation with the OCS is a condition of eligibility for benefits. Failure to cooperate with the OCS without good cause results in disqualification for benefits. BEM 255, pp. 5-8, provides that it is the role of the Support Specialist (SS) to determine cooperation and non-cooperation and to attend pre-hearings and administrative hearings. Cooperation includes 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).

In this case, the Claimant testified on the record that she ignored the first two contact letters sent to her from the OCS. Therefore, this Administrative Law Judge concludes that the Claimant failed to contact the support specialist when requested. Per the above cited policy, that constitutes the Claimant's noncompliance with the OCS. The Claimant was therefore not eligible for benefits until she was found to be in compliance with the OCS, and that did not occur until November 5, 2014. As such, the Administrative Law Judge concludes that when the Department took action to deny the Claimant's application for FAP and CDC, the Department was acting in accordance with its policy.

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 took action to deny the Claimant's application for FAP, FIP and CDC.

DECISION AND ORDER

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



Susanne E. Harris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **12/22/2014**

Date Mailed: **12/22/2014**

SEH/hj

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:

