

**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.: 14-019104
Issue No.: 1011
Case No.: ██████████
Hearing Date: March 11, 2015
County: Wayne-District 15 (Greydale)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 March 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Eligibility Specialist and ██████████, Lead Support Specialist from the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Claimant's application for Family Independence Program (FIP) benefits on the basis that she failed to cooperate with child support requirements?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On January 7, 2014, Claimant was placed in non-cooperation with child support. (Exhibit B)
2. On or around November 24, 2014, Claimant submitted an application for FIP benefits.
3. On November 24, 2014, the Department sent Claimant a Notice of Case Action informing her that her FIP application was denied on the basis that she failed to cooperate with child support requirements. (Exhibit A)

4. On December 10, 2014, Claimant submitted a hearing request 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.

Additionally, the custodial parents 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 she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2014), p. 1. A client's cooperation with paternity and obtaining child support is a condition of FIP eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p 9.

At application, the client has ten days to cooperate with the OCS. The Department will inform the client to contact the OCS by sending a verification checklist (VCL). A disqualification will be imposed at application if the client fails to cooperate on or before the due date of the VCL and the criteria found in BEM 255 is not met. BEM 255, p. 11-12. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility for FIP. BEM 255, pp. 9-13.

In this case, the OCS representative testified that on November 23, 2014, and December 14, 2013, contact letters were sent to Claimant informing her to contact OCS and provide information regarding the noncustodial parent of her child. The Department testified that Claimant was found to be in noncooperation on January 7, 2014, and that on January 8, 2014, a Noncooperation Notice was issued to Claimant. (Exhibit B and Exhibit C). Claimant submitted a new application for FIP benefits on or around November 14, 2014. The Department testified and Claimant confirmed that after submitting her application, she received a verification checklist informing her that she needed to contact the OCS to resolve the issues with child support and to end the noncooperation imposed on her case. On November 24, 2014, the Department sent Claimant a Notice of Case Action informing her that her FIP application was denied on

the basis that she failed to cooperate with child support requirements. (Exhibit A). Claimant requested a hearing disputing the denial.

At the hearing, the representative from the OCS testified that although Claimant did contact OCS and provided some information concerning the father of her child, the information was insufficient to find her in cooperation with the child support requirements. The OCS representative stated that based on the information that Claimant did provide, OCS determined that Claimant still had additional information that she was not providing to the Department and to the OCS.

At the hearing, Claimant testified that her child was conceived in 2011 in a car and that she was ■ years old at the time. Claimant stated that she was with the father of her child only that one time, that she only knew his first name to be ■■■■■, and that she met him through a friend of hers who was dating his cousin. Claimant testified that she did not do anything to try to locate the father of her child, including any searches via social media, and that she asked her friend to search for him. Claimant provided a physical description of the absent father on the record and stated that the last time she saw him was two years ago. Claimant did state, however, that she had recently spoken to the man she believes to be the father of her child on the phone and that she informed him that he was her child's father. Claimant testified that the absent father is refusing to provide her with any other identifying information such as his last name because he does not want to be responsible for child support. Claimant provided the absent father's phone number on the record and stated that she last spoke to him in January 2015. Claimant also stated that she has his photo on her phone and that she could provide it to the Department.

Under the facts presented, the Department and the OCS have established that Claimant had additional information concerning the absent father's identity that she failed to disclose. Therefore, 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 denied Claimant's FIP application on the basis that she failed to cooperate with child support requirements.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/7/2015**

Date Mailed: **4/7/2015**

ZB / tlf

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:

[REDACTED]