

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

IN THE MATTER OF:



Reg. No.: 201412698
Issue No.: 1011, 2011, 3011
Case No.: [REDACTED]
Hearing Date: December 17, 2013
County: Shiawassee County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 December 17, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED] of the Office of Child Support.

ISSUE

Whether the Department of Human Services (Department) properly sanctioned the Claimant's Food Assistance Program (FAP), Medical Assistance (M.A.), and Family Independence Program (FIP) benefits for failure to cooperate with the Office of Child Support?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Food Assistance Program (FAP), Medical Assistance (M.A.), and Family Independence Program (FIP) recipient.
2. On October 18, 2013, the Department notified the Claimant that it would reduce her Food Assistance Program (FAP) benefits and close her Family Independence Program (FIP) benefits.
3. The Department received the Claimant's request for a hearing on October 28, 2013, protesting the noncooperation sanction.

CONCLUSIONS OF LAW

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 Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

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.

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. 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. Department of Human Services Bridges Eligibility Manual (BEM) 255 (October 1, 2013), pp 1-2.

In this case, the Claimant was an ongoing Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) recipient when the Department notified her on October 18, 2013, that she was considered noncooperative with the Office of Child Support and that her benefits would be sanctioned. As of the result of the sanction, the Claimant was removed from her Food Assistance Program (FAP) benefit group and her FAP benefits were reduced. The Department's records indicate that the Claimant and her children are approved for Medical Assistance (M.A.) benefits. The Department closed the Claimant's Family Independence Program (FIP) benefits for failure to cooperate with the Office of Child Support.

A representative of the Office of Child Support testified that the Claimant was mailed notices on July 28, 2012, September 22, 2013, and October 17, 2013, requesting information necessary to identify the absent parent of one of her children.

The Claimant did not dispute that she received the notices. The Claimant testified that she was unable to provide any information about the absent parent and therefore had nothing to report to the Office of Child Support.

The Claimant did not allege any circumstances that could be considered good cause for her failure to cooperate with the Office of Child Support.

This Administrative Law Judge finds that the Claimant failed to establish that she made a reasonable attempt to cooperate with the Office of Child Support's requests for information about the absent parent.

Therefore, the Department has established that it was acting in accordance with its policies when it sanctioned the Claimant's Food Assistance Program (FAP) and Family Independence Program (FIP) benefits. The Claimant failed to establish a negative action with respect to Medical Assistance (M.A.) benefits.

DECISION AND ORDER

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 sanctioned the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) benefits..

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

/s/ _____
Kevin

Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: December 17, 2013

Date Mailed: December 19, 2013

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

KS/hj

cc:

