

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201416094  
Issue No.: 1009  
Case No.: [REDACTED]  
Hearing Date: February 19, 2014  
County: Wayne (17)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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 February 19, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's treatment center counselor. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist, and [REDACTED], Lead Specialist with the Office of Child Support (OCS).

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case for noncooperation 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 benefits.
2. On October 19, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FIP case would close effective November 1, 2013, because she had failed to cooperate in establishing paternity or securing child support.
3. On November 18, 2013, Claimant filed a request for hearing disputing the Department's actions concerning her FIP 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, 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.

Additionally, the Department closed Claimant's FIP case effective November 1, 2013, because Claimant had failed to comply with her child support reporting obligations.

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 a first notice was sent to Claimant on September 10, 2013 requesting that she contact OCS with information concerning the paternity of her infant child. A second notice was sent to her on September 30, 2013, and a noncooperation notice was sent to her on October 17, 2013. The notices were sent to Claimant at her address on [REDACTED]. The OCS testified that Claimant called its offices on November 6, 2013 and, based on the information she provided that day, was found compliant as of November 6, 2013.

Claimant explained that in late May 2013, shortly after she found out she was pregnant; she enrolled in an in-patient substance abuse treatment program at [REDACTED]. She credibly testified that she informed the Department around the time her child was born on August 22, 2013 that she was no longer at the [REDACTED] address and that she was residing at the treatment center. She testified that she did not receive the OCS notices until she was released from the treatment center on November 5, 2013 when she picked up her mail from the [REDACTED] home. As soon as she realized that her FIP case was closing, she contacted OCS. OCS's notes from Claimant's November 6, 2013 conversation with OCS were consistent with Claimant's testimony that she had gone to treatment before giving birth to her daughter in August 2013.

Because Claimant was not at the [REDACTED] address at the time OCS sent its notices to her and Claimant had notified the Department of her new address, Claimant rebutted the presumption that she received the OCS notices. See *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270, 275-278 (1976). Claimant promptly complied with her child support reporting obligations upon her release from the treatment facility when she became aware that OCS had requested information

concerning the child's paternity and OCS found her compliant based on the information provided.

Because Claimant was not properly notified that she was required to contact 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 did not act in accordance with Department policy when it closed Claimant's FIP case for noncompliance with child support.

**DECISION AND ORDER**

Accordingly, the Department's decision is REVERSED.

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 noncompliance entered on or about October 17, 2013 from Claimant's record;
2. Reinstate Claimant's FIP case effective November 1, 2013; and
3. Issue supplements to Claimant for any FIP benefits she was eligible to receive but did not from November 1, 2013 ongoing.



**Alice C. Elkin**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: March 7, 2014

Date Mailed: March 7, 2014

**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

ACE/tlf

cc:

