

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-30596  
Issue No(s): 1002  
Case No.: [REDACTED]  
Hearing Date: April 2, 2014  
County: Saginaw

**ADMINISTRATIVE LAW JUDGE:** Darryl T. Johnson

**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 April 2, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant, [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED], JET Worker [REDACTED], and [REDACTED] of the Office of Child Support.

**ISSUE**

Did the Department properly deny Claimant's application for Financial Independence Program (FIP) 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. Claimant received cash assistance from the Department from January through September 2013.
2. On July 15, 2013 the Department mailed to Claimant a First Customer Contact Letter (Exhibit 1 Pages 15-23) requiring her to provide information regarding the father of her son who was nine years old at that time. Her response was due before Monday, August 5, 2013. That letter was mailed to an address on [REDACTED] in [REDACTED].
3. On August 15, 2013, the Department mailed to Claimant a Final Customer Contact Letter (Exhibit 1 Pages 10-14) with a due date of September 3, 2013. That letter was mailed to an address on [REDACTED] in [REDACTED].
4. Claimant did not respond to either letter.

5. On September 10, 2013, the Department mailed to Claimant, at the [REDACTED] address, notice that she was considered in non-cooperation with the Office of Child Support (OCS).
6. Claimant moved out of state in September and returned to Michigan in January 2014, and she applied for benefits again.
7. On February 4, 2014, the Department sent Claimant a Notice of Case Action (NCA) informing Claimant that her FIP was denied effective February 16, 2014 because of her failure to cooperate with the OCS. (Exhibit 1 Pages 1-5.)
8. On February 18, 2014, Claimant requested a hearing.

### **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.

The Department's philosophy and policy with respect to child support cooperation is found in BEM 255.

"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."

When it comes to FIP, CDC Income Eligible, MA and FAP,

"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 (TOA); see Support Disqualification in this item."

At page 9 of BEM 255, the applicant's responsibility to cooperate with respect to child support is described more fully:

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of 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).

The penalties for failure to cooperate are found at page 11. The penalty in the FIP is that the client is disqualified until she cooperates. That disqualification will end if the case closes for another reason. Claimant was previously disqualified because she had not cooperated with the OCS, but because she left the state and her case closed, that disqualification ended. When she reapplied she then had 10 days to cooperate. BEM 255 at 11. (1/1/14) "Bridges informs the client to contact the OCS in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is **not** a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending; see **Good Cause For Not Cooperating** in this item."

If the Claimant does not cooperate, "Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month.

"Bridges will close FIP for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. The disqualification is effective the first day of a month."

The witness for the OCS testified that Claimant contacted the OCS on January 30, 2014 and discussed the matter with a worker who recorded notes of the conversation. Claimant then had a pre-hearing conference with the OCS witness on February 27, 2014 and made comments which the witness found inconsistent with the notes. Claimant denied making conflicting statements during the previous phone conversation.

Claimant testified that she met a man at a graduation party in 2003. They spoke for about ½ hour, sharing little in the way of personal information. They left the party and went to a hotel. Claimant became pregnant. She has not had any contact with the father since then. She has contacted people who were at the party who know nothing of the father and do not have any pictures of him. She went to the hotel and was unsuccessful in finding any information. She went to the hall where the party was held and it has been closed for years.

The Department did not provide any Verification Checklist that might have been mailed to Claimant at the time she applied. There is no evidence that, once she reapplied, she was given appropriate instruction to respond to a Verification Checklist within 10 days. Once she was instructed regarding the need to cooperate with the OCS, she called them and provided the information she had concerning the father. While it is possible Claimant gave conflicting statements to the two OCS workers, only the second worker testified which makes it difficult to know with any certainty what she said to the first worker.

“Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms; see Refusal to Cooperate Penalties in this item. Clients must completely and truthfully answer all questions on forms and in interviews.” BAM 105.

Per BAM 130, at page 6, says:

Verifications are considered to be timely if received by the date they are due. For electronically transmitted verifications (fax, email or Mi Bridges document upload), the date of the transmission is the receipt date. Verifications that are submitted after the close of regular business hours through the drop box or by delivery of a DHS representative are considered to be received the next business day.

Send a negative action notice when:

The client indicates refusal to provide a verification, **or**

The time period given has elapsed and the client has **not** made a reasonable effort to provide it.

The issue is whether the Claimant provided timely verification in response to the request, or at least made a reasonable effort to provide verification. The evidence is not persuasive that the forms were mailed to the Claimant at her address of record. The evidence also establishes that once the Claimant received instruction to cooperate with the OCS she made a reasonable effort to respond by the deadline.

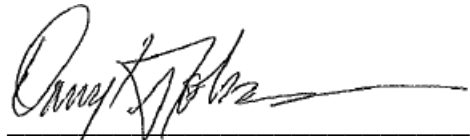
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department did not act in accordance with Department policy when it closed Claimant’s FIP benefits.

**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. Redetermine Claimant's FAP benefit eligibility, effective February 16, 2014;
2. Issue a supplement to Claimant for any benefits improperly not issued.



**Darryl T. Johnson**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: April 3, 2014

Date Mailed: April 3, 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

DTJ/las

cc:

