

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201432522
Issue No(s): 1011; 3011
Case No.: [REDACTED]
Hearing Date: May 14, 2014
County: Wayne (31)

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, an in-person hearing was held on May 14, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant; [REDACTED], Claimant's aunt; and [REDACTED], Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Family Independence Specialist; [REDACTED], Hearing Facilitator; and [REDACTED], Lead Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits due to failure to cooperate 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 and FAP benefits.
2. On December 12, 2013 and January 11, 2014, OCS sent Claimant contact letters asking that she provide information concerning her son's paternity.
3. Claimant did not respond to the letters.

4. On February 6, 2014, OCS placed Claimant in noncompliance with her child support reporting obligations and entered the information on the Department's Bridges system.
5. On February 8, 2014, the Department sent Claimant a Notice of Case Action notifying her that, effective March 1, 2014 her FIP case would close and her FAP benefits would be reduced for a group size of one because she had failed to comply with her child support reporting obligations.
6. On March 7, 2014, Claimant filed a request for hearing 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.

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.

Additionally, as a condition of FIP and FAP eligibility, the custodial parent 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. BEM 255 (January 2014), p. 1. If an individual fails, without good cause, to cooperate with child support reporting obligations, that individual is disqualified from the FAP group and her group is ineligible for FIP until the later of one month or when she cooperates. BEM 255, pp. 12-14.

In this case, Claimant alleged she had good cause for failing to comply with her child support reporting obligations. Department policy provides that the Department must inform individuals who allege good cause for failing to comply with OCS reporting obligations of the right to claim good cause by giving them a DHS-2168, Claim of Good

Cause-Child Support. BEM 255, p. 3. The Department's specialist is responsible for determining whether good cause exists, and all good cause determinations must be approved by the specialist's supervisor. BEM 255, pp. 4-7.

In this case, Claimant credibly testified that she attempted on multiple occasions prior to her case closure to request good cause documentation from her case workers. Claimant's current worker verified that Claimant had spoken both to her and her supervisor prior to case closure concerning a good cause exception to the OCS reporting obligations. The worker testified that her supervisor told her that OCS made good cause determinations; she acknowledged that she had not provided any good cause forms to Claimant and she was not aware of her supervisor providing any such forms. Claimant's testimony that she had also requested the necessary forms from her prior worker was bolstered by the fact that she had previously completed the good cause documentation when she received benefits out of state and was familiar with the process of establishing good cause deferral for child support reporting obligations. OCS's records also showed that an OCS worker spoke to Claimant and her Work First worker on February 19, 2014 concerning good cause, and the OCS lead specialist who participated in the hearing testified that the worker would have advised Claimant that she would have to contact the Department to establish good cause.

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 and reduced her FAP benefits without allowing Claimant to complete the DHS-2168. .


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. Reinstate Claimant's FIP and FAP cases effective March 1, 2014;
2. Recalculate Claimant's FAP benefits for March 1, 2014, ongoing to include Claimant as a qualified member of her FAP group;
3. Issue supplements to Claimant for any FIP and/or FAP benefits she was eligible to receive but did not from March 1, 2014 ongoing; and

4. Complete DHS-2186 with Claimant and process according to policy.


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

Date Signed: May 28, 2014

Date Mailed: May 29, 2014

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides or has its principal place of business in the State, 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 48909-07322

ACE/tlf

cc:

