

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

IN THE MATTER OF:

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██████████████████
██████████████████

Reg. No.: 15-013004
Issue No.: 1010; 3010
Case No.: ██████████
Hearing Date: September 23, 2015
County: Wayne-District 49

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on September 23, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and ██████████ (A), Claimant's daughter. Participants on behalf of the Department of Health and Human Services (Department) included ██████████, Eligibility Specialist, and ██████████, Lead Child Support Specialist with the Office of Child Support (OCS), who participated via 3-way telephone conference.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP) case and remove her daughter A from her Food Assistance Program (FAP) group and reduce her FAP 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 was an ongoing recipient of FAP and FIP benefits; her FAP and FIP groups included her ██████-year-old daughter A and A's minor child.
2. On June 30, 2015, OCS placed a child support noncooperation sanction on A's record (Exhibit A).
3. On July 2, 2015, the Department sent Claimant a Notice of Case Action notifying her that, because A had failed to cooperate with child support reporting requirements, effective August 1, 2015 Claimant's FIP case would close and her

FAP benefits would decrease because A was being removed from her FAP group (Exhibit B).

4. On July 14, 2015, Claimant requested a hearing disputing the Department's actions concerning her FAP and FIP cases.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and 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 Department of Human Services) 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-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Effective August 1, 2015, due to A's child support noncooperation, Claimant's ■-year-old daughter A was removed from Claimant's FAP group and Claimant's FIP case closed.

As a condition of FAP and FIP eligibility, the custodial parent of a minor child must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom the parent receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (April 2015), p. 1. Any individual required to cooperate who fails to cooperate without good cause causes FIP group ineligibility for a minimum of one month. BEM 255, pp. 2, 13. An individual's failure to cooperate without good cause results in that individual's disqualification from the FAP group. BEM 255, pp. 2, 14. An exception to the cooperation requirements applies to clients who establish good cause. BEM 255, p. 2.

The Department applies the support disqualification when a begin date of non-cooperation is entered and there is no pending or approved good cause. BEM 255, pp. 5, 11. According to both the Department and OCS, the Department approved A's good

cause explanation for failing to comply with her child support reporting obligations on August 1, 2015 with a June 30, 2015 effective date. There was no evidence presented concerning when A applied for good cause. However, because A was granted good cause as of June 30, 2015, it appears that she applied for good cause as of that date. Because A had a pending good cause application and the application was granted on August 1, 2015, the Department did not act in accordance with Department policy when it closed Claimant's FIP case and reduced her FAP benefits effective August 1, 2015 due to A's child support noncooperation.

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.

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. Update the child support noncooperation summary screen for A to show that good cause was granted as of June 30, 2015;
2. Reinstate Claimant's FIP case effective August 1, 2015;
3. Recalculate Claimant's FAP benefits as of August 1, 2015 to include A as a qualified FAP group member;

4. Issue supplement to Claimant for FIP and FAP benefits she was eligible to receive but did not from August 1, 2015 ongoing; and
5. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **10/01/2015**

Date Mailed: **10/01/2015**

ACE / 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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]