

**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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MAHS Reg. No.: 15-016712
Issue No.: 1011
Agency Case No.: ██████████
Hearing Date: November 05, 2015
County: Wayne-District 76

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

Following Petitioner'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 November 5, 2015, from Detroit, Michigan. Petitioner participated via 3-way telephone conference and represented herself. The Department of Health and Human Services (Department) participated from the local office and was represented by ██████████, Family Independence Specialist, and ██████████, PATH Coordinator.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case due to 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. Petitioner was an ongoing recipient of FIP benefits.
2. On July 20, 2015, the Department sent Petitioner a Notice of Case Action notifying her that her FIP case would close effective August 1, 2015 because she had failed to cooperate with the Office of Child Support (OCS) in establishing paternity or securing child support.
3. On August 27, 2015, Petitioner filed a request for hearing disputing the Department's actions.

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.

As a preliminary matter, it is noted that multiple attempts were made to contact OCS so that it could participate in the hearing, but all attempts were unsuccessful. Although OCS prepared a packet concerning Petitioner's case that was forwarded to the Michigan Administrative Hearing System, at the hearing Petitioner denied receiving the packet and the Department could not establish that one was forwarded to Petitioner. Accordingly, the packet was not admitted into evidence.

The Department established that Petitioner's FIP case closed effective August 1, 2015 because OCS had found her in noncooperation with her child support reporting obligations concerning her minor child, born April 18, 2015. As a condition of 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. Cooperation includes providing all known information about the absent parent. BEM 255, p. 9. 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.

In this case, Petitioner explained that she was introduced to her child's father by a mutual friend, she did not have a long-term relationship with the child's father, and he did not have any further contact with her after she disclosed her pregnancy. She testified that she provided OCS with all the information she had concerning the father, including his name, a general physical description, and his last known telephone number and attempted to obtain additional information from the mutual friend who told her that the father had moved to Flint and then denied having any further contact with him. Because OCS failed to participate in the hearing, it could not explain why it believed Petitioner was withholding information concerning the child's paternity.

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 failed to

satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FIP case.

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 noncooperation sanction applied to Petitioner's record on or about August 1, 2015;
2. Reinstate Petitioner's FIP case effective August 1, 2015; and
3. Issue supplements to Petitioner for any FIP benefits she was eligible to receive but did not from August 1, 2015 ongoing.



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

Date Signed: **11/10/2015**

Date Mailed: **11/10/2015**

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]
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