

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-013104
Issue No.: 1011
Case No.: [REDACTED]
Hearing Date: September 16, 2015
County: WAYNE-DISTRICT 76

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 3 way telephone hearing was held on September 16, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], FIS. A witness for the Department [REDACTED], Lead Worker of the Office of Child Support also appeared.

ISSUE

Did the Department properly close the Claimant's FIP case due to noncooperation with the Office of Child Support?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant, [REDACTED], was a FIP recipient and her daughter [REDACTED] and her grandson were FIP group members of Claimant's group. The Claimant's daughter was 17 years of age.
2. On [REDACTED], the Claimant's daughter was placed in noncooperation for failing to respond to several contact letters.
3. The Department closed the Claimant's FIP case on [REDACTED] by Notice of Case Action dated [REDACTED]. Exhibit 1

4. The Office of Child Support (OCS) found the Claimant's daughter in cooperation as of [REDACTED]. Exhibit 2
5. The Claimant provided a Child Support Information form dated [REDACTED] and advised the OCS of her child's father's name, birth date and description. The form was provided after closure of the FIP case.
6. After receiving the Child Support Information form, the OCS attempted to reach the Claimant's daughter, but was unsuccessful. The name of the father contained in the information provided by the Claimant's daughter could have applied to two possible individuals and needed further information, but she was in school and unavailable. Subsequently, the OCS reached the daughter and identified the correct father.
7. The Claimant requested a hearing on [REDACTED] protesting 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. the Department of Human Services) administers the SDA program pursuant to 42 CFR 435, MCL 400.10 and Mich Admin Code, R 400.3151-.3180.

In this case, the Department closed the Claimant's FIP case because the Department determined that Claimant's daughter was in noncooperation because it was unable to identify the daughter's child's father due to two names each with similar information. The OCS sought the Claimant's daughter's assistance as she was the mother of the child in question.

Department policy provides:

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. BEM 255 (April 1, 2015) p.1.

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.

Absent parents are required to support their children. Support includes **all** of the following:

- Child support.
- Medical support.
- Payment for medical care from any third party.
- 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.
- When OCS, FOC or a prosecuting attorney determines a client is in cooperation or noncooperation the determination is entered in Bridges via a systems interface. When the client is in noncooperation, Bridges will generate a notice closing the affected program(s) or reduce the client benefit amount in response to the determination.

In this case, the issue is whether the OCS properly found the Claimant's daughter in noncooperation and correctly closed the Claimant's FIP cash assistance.

- Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending: Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required. BEM 255 p. 9

FIP, CDC Income Eligible, MA and FAP

Ask a disqualified client at application, redetermination or reinstatement if they are willing to cooperate. A disqualified member may indicate willingness to cooperate at any time. Immediately inform clients willing to cooperate to contact the primary worker from the

OCS icon or a support specialist can be reached by calling 1-866-540-0008 or 1-866-661-0005.

Bridges will **not** restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. Bridges will end the non-cooperation record if any of the following exist:

- OCS records the comply date.
- Support/paternity action is no longer a factor in the client's eligibility (for example, child leaves the group).
- For **FIP only**, the client cooperates with the requirement to return assigned support payments, or an over issuance is established and the support is certified.
- For **FIP and FAP only**, a one-month disqualification is served when conditions (mentioned above) to end the disqualification are not met prior to the negative action effective date.

FIP and CDC Income Eligible

Client must reapply for program eligibility when the above did not exist before the negative action effective date of the closure.

Clearly, the Claimant's daughter did not cooperate until [REDACTED], after the FIP case was closed. Thus, the Department's closure of Claimant's FIP case was appropriate. Under these circumstances, the Claimant must reapply for FIP because cooperation did not occur before the negative action effective date of closure which was [REDACTED]. Exhibit 1

In addition, a FIP group closes when a member is in noncooperation. At the hearing, the Claimant questioned why her daughter was in her group as she was an emancipated child. BEM 201 provides:

Certified Group

The certified group means those individuals in the FIP EDG who meet all non-financial FIP eligibility factors. Countable income and assets of certified group members are considered in determining FIP eligibility. Certified group members have a FIP EDG participation status of Eligible Child or Eligible Adult.

Dependent Child

A dependent child is an unemancipated child who lives with a caretaker and is one of the following:

- Under age 18.
-
- Age 18 and a full-time high school student. See BEM 245, for definition of high school.

A child is emancipated if any of the following:

- Ever validly married.
- Emancipated by court order.
- On active duty with the armed forces of the United States. BEM 210 (July 1, 2015) p. 3

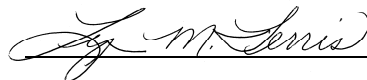
Based upon this policy, it is determined that the Claimant's daughter was still a dependent child, which makes Claimant's daughter a mandatory FIP EDG member and not an emancipated child.

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 acted in accordance with Department policy when it closed the Claimant's FIP cash assistance for noncooperation with child support.

DECISION AND ORDER

Accordingly, the Department's decision is

AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **9/30/2015**

Date Mailed: **9/30/2015**

LMF / hw

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:

