

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-016716
Issue No.: 1011
Agency Case No.: [REDACTED]
Hearing Date: December 03, 2015
County: Wayne-District 17

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on December 3, 2015, from Detroit, Michigan. Petitioner appeared for the hearing and was represented by her Attorney, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator; [REDACTED] Hearings Facilitator; and [REDACTED], Lead Worker from the Office of Child Support (OCS).

ISSUE

Did the Department properly process Petitioner's Family 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. Petitioner was an ongoing recipient of FIP benefits.
2. Petitioner is the foster parent to four minor children.
3. On [REDACTED], an administrative hearing was held concerning the closure of Petitioner's FIP case. (Exhibit 1)
4. The Hearing Decision associated with the above referenced administrative hearing was mailed on [REDACTED], and the Administrative Law Judge (ALJ) found that the Department did not act in accordance with Department policy when it closed

Petitioner's FIP case effective [REDACTED]. The ALJ ordered the Department to reinstate Petitioner's FIP benefits retroactive to the date of negative action. (January 2015). (Exhibit 1)

5. On [REDACTED], the Department sent Petitioner a Benefit Notice informing her that her FIP benefits would end on [REDACTED]. The Benefit Notice further indicates that Petitioner is in non-cooperation with the Office of Child Support from [REDACTED], through [REDACTED], for Child A. The FIP program incorrectly closed for January 2015 due to a failure to complete the FSSP. An override has been completed to issue the cash benefits for the month of January 2015 in the amount of \$557. The FIP will remain closed for February 2015, ongoing due to a refusal to cooperate with child support requirements. (Exhibit A)
6. On [REDACTED], Petitioner requested a hearing disputing the Department's actions with respect to the [REDACTED], Benefit Notice, indicating that she complied with the OCS on [REDACTED]. (See Petitioner's Request for Hearing)

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 custodial parents 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 she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2014), p. 1. A client's cooperation with paternity and obtaining child support is a condition of FIP eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p 9. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility FIP. BEM 255, pp. 9-14.

In this case, the evidence established that in January 2015, Petitioner's FIP case was closed in error and the ALJ in the prior administrative hearing ordered the Department to reinstate Petitioner's FIP case effective [REDACTED]. (Exhibit 1). It was further established that on [REDACTED], the Department issued a Benefit Notice informing Petitioner that while she was determined eligible for FIP for the month of January 2015, for the period of February 2015, ongoing, she was ineligible as a result of being in noncooperation with child support requirements. (Exhibit A).

The Department initially stated that Petitioner was found to be in cooperation with child support requirements as of [REDACTED], and eligible for FIP benefits from that date. (Exhibit B). Upon further review of Petitioner's case however, the representative from the OCS testified that Petitioner was actually in cooperation with child support requirements for Child A with a compliance date of [REDACTED]. The OCS representative stated that a duplicate OCS case was opened for Petitioner by mistake which indicated a compliance date of [REDACTED], and negatively impacted her FIP benefits. The OCS representative testified that a denial or reduction of Petitioner's FIP benefits due to a noncooperation sanction imposed after [REDACTED] would have been improper as she was in compliance as of [REDACTED]. The OCS representative and the Department indicated that a help desk ticket may be required to correct the child support cooperation date on Bridges. It was established at the hearing that the period at issue was February 2015, ongoing.

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 determined that Petitioner was not eligible for FIP benefits for the period of February 2015, ongoing due to noncooperation with child support requirements.

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 Petitioner's FIP case effective [REDACTED];
2. Remove the child support non-cooperation sanction imposed on Petitioner's FIP case;
3. Impose a child support compliance/cooperation date for Petitioner of [REDACTED], [REDACTED].

4. Issue FIP supplements to Petitioner from [REDACTED], ongoing; and
5. Notify Petitioner and her AHR in writing of the Department's decision.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **12/17/2015**

Date Mailed: **12/17/2015**

ZB / 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:

