

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

IN THE MATTER OF:



MAHS Reg. No.: 15-022505
Issue No.: 1011, 6011
Agency Case No.: [REDACTED]
Hearing Date: February 08, 2016
County: Wayne 31 Grandmont

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 February 8, 2016, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Specialist and [REDACTED], Family Independence Manager. [REDACTED], Lead Support from the Office of Child Support, also appeared as a witness.

ISSUE

Did the Department properly close the Petitioner's Family Independence Program (FIP) (Cash Assistance) and deny the Petitioner's Child Development and Care (CDC) application due to noncooperation with the Office of Child Support (OCS)?

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 Petitioner was an ongoing recipient of FIP benefits and applied for CDC benefits.
2. The Petitioner was sent two letters from the OCS Final Customer Contact letter, September 26, 2015; and First Customer Contact Letter, August 29, 2015. The Petitioner did not respond to either letter. Exhibits 1 and 2.
3. The Department OCS issued a Noncooperation Notice on October 23, 2015, advising the Petitioner that they did not receive any response from her with regard to the First and Final Customer Contact Letters. Exhibit 3.

4. The Petitioner contacted the OCS on October 28, 2015, and advised the OCS that [REDACTED], a truck driver who she met up with on the road while working for [REDACTED], was the father of her child. The Petitioner also advised the Department again at the Prehearing Conference that [REDACTED] was her baby's father.
5. The Petitioner applied for CDC benefits and was denied because she was found in noncooperation with OCS. On the CDC application, she listed [REDACTED], as the father of her baby and advised her case worker that he was deceased. Exhibit 4.
6. At the hearing, the Petitioner indicated that [REDACTED] was not the father of her child and that he was not deceased.
7. The Petitioner's child was born on [REDACTED].
8. The Petitioner requested a timely hearing on November 25, 2015, 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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case, the Petitioner has challenged the Department's closure of her FIP cash assistance case and denial of her CDC application due to a finding by the OCS that the Petitioner was in Noncooperation as of October 23, 2015. Exhibit 3.

Additionally, the issue in this case is whether the Petitioner met the cooperation requirements found in BEM 255, which requires that Petitioners cooperate with determining paternity. It provides:

DEPARTMENT POLICY

Family Independence Program (FIP), Child Development and Care (CDC) Income Eligible, Medicaid (MA) and Food Assistance Program (FAP)

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. BEM 255 (April 1, 2015), p. 1.
- 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. BEM 255, p.2.

Cooperation is defined as:

FIP, CDC Income Eligible, MA and FAP

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.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.

- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests). BEM 255, p. 9

At the hearing, the Department introduced evidence that the Petitioner falsely stated information on her CDC application. Exhibit 4. In addition, the Department witness, the Petitioner's caseworker, credibly testified that during the interview for CDC benefits, the Petitioner advised her that [REDACTED] was her baby's father and that he was deceased. This information was also included in the Petitioner's CDC application. Exhibit 4, p. 6. This conversation occurred October 16, 2015. This information filed with the CDC application directly conflicts with the information that Petitioner provided to OCS on October 28, 2015, by phone and December 7, 2015, at the prehearing conference. At these two events, the Petitioner advised the Department that her baby's father was [REDACTED]. This information directly conflicts with the CDC application and interview information. In addition, [REDACTED] is not deceased. At the hearing, the Petitioner testified that [REDACTED] was the father of her baby. The Petitioner provided no information about this person other than his name. The Petitioner had sex at least five (5) times at various locations throughout the U.S. with this individual while working as a truck driver.

Based on the evidence presented by the Department at the hearing, the Petitioner's testimony and the documentary evidence, it is determined that the Petitioner's testimony was not credible; and her lack of efforts overall to assist the Department and to find out more about the alleged father of her child do not exhibit cooperation

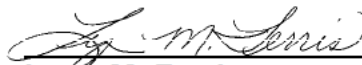
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied the Petitioner's CDC application for Noncooperation with Child Support and closed her FIP cash assistance case for the same reason.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

Date Mailed: **February 9, 2016**

LMF/jaf



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

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:

