



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
Christopher Seppanen  
Executive Director

MIKE ZIMMER  
DIRECTOR

[REDACTED]

Date Mailed: April 8, 2016  
MAHS Docket No.: 16-001588  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton**

### **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 April 4, 2016, from Detroit, Michigan. The Petitioner was represented by Petitioner. Belinda Banks, Petitioner's mother was also present at the hearing but did not provide testimony. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator and [REDACTED], Support Specialist Lead Worker with the Office of Child Support.

### **ISSUE**

Did the Department properly deny Petitioner's application for FIP benefits for failing to cooperate 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. Petitioner applied for FIP benefits on November 27, 2015.
2. On [REDACTED] and [REDACTED], the Office of Child Support (OCS) sent Petitioner contact letters requesting that she contact its office to discuss the identity of the non-custodial parent.
3. On [REDACTED], Petitioner and the OCS discussed the identity of the non-custodial parent.

4. The OCS determined that Petitioner did not cooperate with its office and did not establish good cause for failing to do so.
5. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying Petitioner that her application for FIP benefits had been denied.
6. 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.

Additionally, Department policy requires the custodial parent of children to 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. BEM 255 (April 1, 2015), p. 1.

Petitioner testified that at the time her son was conceived, she resided in Miami, Florida. Petitioner stated that she does not know the name, address or any other identifying information of her son's father. Petitioner indicated that no man has contacted her claiming to be the father of the child in the four years since her child was born.

The OCS testified that Petitioner provided conflicting information to the lead worker and refused to complete interview questions. Petitioner denied that she provided conflicting statements and further indicated that she answered all questions which she was asked. The lead worker participating in the interview did not appear for the hearing. There were no proofs offered that Petitioner has ever been able to identify the father of her child to friends or family. As such, it is found that Claimant has provided all available information and has therefore cooperated with the OCS.

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 policy when it denied Petitioner's application for FIP benefits for failure to cooperate with the OCS.

**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. Reregister and reprocess Petitioner's [REDACTED] application for FIP benefits;
2. Remove any child support noncompliance entered as a result of Petitioner's [REDACTED] application;
3. Issue any supplements Petitioner was entitled to receive but did not relating to her [REDACTED] application; and
4. Notify Petitioner in writing of its decision.

JM/hw



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**Jacquelyn A. McClinton**

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

**NOTICE OF APPEAL:** A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

**DHHS**

[REDACTED]

[REDACTED]

**Dept. Contact**

[REDACTED]

**Petitioner**

[REDACTED]