



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: October 14, 2016
MAHS Docket No.: 16-012869
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

HEARING DECISION

Following the 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 October 12, 2016, from Lansing, Michigan. The Petitioner, [REDACTED] appeared and testified. The Department of Health and Human Services (Department) was represented by Family Independence Manager, [REDACTED] [REDACTED] and Family Independence Specialist, [REDACTED]. Assistance Payments Worker, [REDACTED] appeared but was not sworn in and did not testify.

PROCEDURAL HISTORY

The record closed at the conclusion of the hearing. The following documents were offered and admitted into evidence:

- Department: A--Child Support Noncooperation Summary.
B--August 17, 2016, Notice of Case Action.
C--August 31, 2016, Notice of Case Action.
D--August 26, 2016, Cooperation Notice.
E-- August 16, 2016, Noncooperation Notice.
F-- July 27, 2016, First Customer Contact Letter.
G-- August 7, 2016, Final Customer Contact Letter.

Petitioner: None.

ISSUE

Did the Department properly take action to sanction the Petitioner's Family Independence Program (FIP) case, due to her 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 in the amount of \$ [REDACTED]
2. On July 27, 2016, the Petitioner was sent a First Customer Contact Letter.
3. On August 7, 2016, the Petitioner was sent a Final Customer Contact Letter.
4. On August 17, 2016, the Petitioner was determined to be in noncooperation status with the OCS, due to her failure to respond to contact letters sent to her.
5. On August 17, 2016, the Department sent the Petitioner a Notice of Case Action, informing the Petitioner that her FIP case would close due to her noncooperation status.
6. On August 25, 2016, the Petitioner was placed in cooperation status with the OCS.
7. On August 31, 2016, the Department sent the Petitioner a Notice of Case Action informing the Petitioner that her FIP benefits would be restored effective October 1, 2016.
8. On September 1, 2016, the Department received the Petitioner's written hearing request protesting the one month sanction on her FIP case.

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.

Bridges Eligibility Manual (BEM) 255 (2015) pp. 1, 2, provides that 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.

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. Cooperation with the OCS is a condition of eligibility for FIP, p. 9. Failure to cooperate with the OCS without good cause results in disqualification for FIP. p. 2. BEM 255, pp. 5-8, provides that it is the role of the Support Specialist (SS) to determine cooperation and non-cooperation and to attend pre-hearings and administrative hearings. Cooperation includes 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).

In this case, the Petitioner did not contest failing to respond to the contact letters. The Petitioner testified that her mother forgot to put her name on the mailbox and she simply did not receive the letters. It is not contested that the Petitioner was found to be in compliance by August 25, 2016.

The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). In this case, this Administrative Law Judge concludes that the Petitioner's testimony is insufficient to rebut the presumption that she received the Department's contact letters. As such, this Administrative Law Judge concludes that the Department properly determined that the Petitioner was in noncompliance status with OCS.

BEM 255 (2015) p. 13, provides that any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for FIP for a minimum of one month. As this Administrative Law Judge has already concluded that the Department appropriately determined that the Petitioner was noncompliant with OCS, the Administrative Law Judge also concludes that the Department appropriately sanctioned the Petitioner's FIP case for one month.

DECISION AND ORDER

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 took action to sanction the Petitioner's FIP case.

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



SH/nr

Susanne E. Harris
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]

Petitioner

[REDACTED]