



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: June 28, 2017
MAHS Docket No.: 17-004697
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 June 6, 2017, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Family Independence Specialist [REDACTED] [REDACTED] Family Independence Manager [REDACTED] and Office of Child Support (OCS) Support Specialist Lead Worker [REDACTED]

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) beginning April 1, 2017 for failure to cooperate 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. On March 19, 2013, Petitioner was put in non-cooperation status by the Office of Child Support (OCS) with regard to [REDACTED]. Petitioner was in and out of non-cooperation status up until genetic testing showed a [REDACTED] [REDACTED] was not [REDACTED] father in 2016.
2. On February 3, 2017, Petitioner was sent a First Customer Contact Letter (OCS0015) with regard to [REDACTED].
3. On February 12, 2017, Petitioner was sent a Final Customer Contact Letter (OCS0025) with regard to [REDACTED] [REDACTED]

4. On February 21, 2017, Petitioner was put into non-cooperation status by the Office of Child Support (OCS) with regard to [REDACTED]. Petitioner was sent a Non-Cooperation Notice (OCS1252A).
5. On March 14, 2017, Petitioner called the Office of Child Support (OCS) and told them she did not know who [REDACTED] father was because she had too much to drink. The Office of Child Support (OCS) did not change Petitioner's status.
6. On March 14, 2017, Petitioner was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program (FIP) would close beginning April 1, 2017 due to her non-cooperation status with the Office of Child Support (OCS).
7. On April 6, 2017, Petitioner called the Office of Child Support (OCS) again. Petitioner reported that she had a one night stand with a man named [REDACTED] from Alabama but did not know his date of birth or address. The Office of Child Support (OCS) did not change Petitioner's status.
8. On April 10, 2017, Petitioner submitted a hearing request.

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.

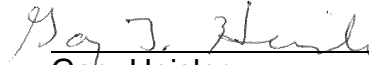
In light of Petitioner's history with the Office of Child Support (OCS) Petitioner's most recent assertions are not credible. There is no evidence in this record that suggests Petitioner is cooperating with the Office of Child Support (OCS).

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 acted in accordance with Department policy when it closed Petitioner's Family Independence Program (FIP) beginning April 1, 2017 for failure to cooperate with the Office of Child Support (OCS).

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

Department Representative

[REDACTED]

Petitioner

[REDACTED]