



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 19, 2017  
MAHS Docket No.: 17-010764  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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. After due notice, telephone hearing was held on September 19, 2017, from [REDACTED] Michigan. The Petitioner represented herself, and [REDACTED] testified on her behalf. The Department was represented by [REDACTED], Assistance Payments Worker, [REDACTED] Family Independence Specialist, and [REDACTED] Lead Worker at the Office of Child Support.

**ISSUE**

Did the Department of Health and Human Services (Department) properly deny Petitioner's application for 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. On April 8, 2017, the Department sent Petitioner a request for information necessary to identify and locate the absent father of her child. Exhibit A, p 37.
2. On April 17, 2017, the Department sent Petitioner another request for information necessary to identify and locate the absent father of her child. Exhibit A, p 41.
3. On April 27, 2017, the Department notified Petitioner that it considered her to be noncooperative with efforts by the Office of Child Support to identify and locate the absent parent of her child. Exhibit A, p 45.
4. On June 2, 2017, the Department received Petitioner's application for Family Independence Program (FIP) benefits. Exhibit A, p 1.

5. On June 6, 2017, the Department sent Petitioner a Verification Checklist (DHS-3503) requesting verification that she had cooperated with efforts by the Office of Child Support to identify and locate the absent father of her child. Exhibit A, p 2.
6. On July 17, 2017, the Department notified Petitioner that her application for Family Independence Program (FIP) benefits had been denied. Exhibit A, p 3.
7. On July 25, 2017, the Department received Petitioner's request for a hearing protesting the denial of Family Independence Program (FIP) benefits. Exhibit A, p 9.

### **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.

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. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (January 1, 2017), pp 1-2.

Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month. The Department will not restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. BEM 255, pp 13-15.

The Department credibly found Petitioner to be noncooperative with efforts by the Office of Child Support to identify and locate the absent parent of her child when she failed to respond to requests for information sent to her on April 8, 2017, and April 17, 2017.

On June 2, 2017, Petitioner was still considered to be noncooperative with the Office of Child Support when she applied for FIP benefits. Petitioner was disqualified from receiving FIP benefits and the Department denied her application as directed by BEM 255.

Petitioner testified that she did not received the Department's requests in a timely manner because she was out of town.

While a presumption arises that a letter with a proper address and postage will, when placed in the mail be delivered by the postal service, this presumption can be rebutted with evidence that the letter was not received. If such evidence is presented, as it was here, then a question of fact arises regarding whether the letter was received. [Citations omitted.] *Goodyear Tire & Rubber Co v Roseville*, 468 Mich 947; 664 NW2d 751 (2003).

In this case, the Department presented substantial evidence that is sent requests for information to Petitioner at her correction mailing address and the Petitioner failed to rebut the presumption of receipt. Petitioner had a duty to cooperate with the Office of Child Support and the Department credibly determined that Petitioner failed to cooperate in a timely manner.

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 Petitioner's application for Family Independence Program (FIP) benefits due to her noncooperation with the efforts of the Office of Child Support to identify and locate the absent father of her child.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]