



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: April 18, 2017
MAHS Docket No.: 17-003248
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Christian Gardocki on behalf of Michael J. Bennane

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 [REDACTED], from [REDACTED] Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], Manager, and [REDACTED], Office of Child Support (OCS), Lead Specialist.

ISSUE

The issue is whether MDHHS properly terminated Petitioner's Family Independence Program (FIP) benefits eligibility due to Petitioner failing to cooperate with 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 was an ongoing FIP benefit recipient, along with a minor daughter.
2. On [REDACTED] MDHHS mailed Petitioner a letter requesting paternal information of Petitioner's daughter.
3. On [REDACTED], MDHHS mailed Petitioner a second letter requesting paternal information of Petitioner's daughter.
4. On [REDACTED], MDHHS deemed Petitioner to be uncooperative with obtaining child support.

5. On [REDACTED], MDHHS initiated a termination of Petitioner's FIP eligibility, effective [REDACTED].
6. On [REDACTED], Petitioner requested a hearing to dispute the termination of FIP benefits.
7. As of [REDACTED], Petitioner had not contacted OCS.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. MDHHS (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner's hearing request indicated a dispute concerning child support; no MDHHS program was identified. Petitioner's hearing testimony was also not helpful into determining which MDHHS actions were being disputed. The summary of the case from MDHHS indicated that Petitioner's cash assistance eligibility stopped due to non-cooperation with child support. Based on presented evidence, it will be found that Petitioner intended to dispute a termination of FIP eligibility concerning a disqualification based on child support.

A notice concerning the disputed action was not presented. Generally, notices related to child support disqualification are dispatched within a few days that a Noncooperation Notice was issued. A presented Noncooperation Notice was dated [REDACTED], (see Exhibit D). It will be assumed that MDHHS sent Petitioner a Notice of Case Action within 7 days; a date of [REDACTED], will be found as the date notice of termination was sent to Petitioner.

The benefit month in which Petitioner's FIP eligibility ended was not identified. MDHHS policy dictates that timely notice (see BAM 220) is required for most case actions, including child support disqualification. Timely notice requires affecting the first full benefit period that occurs after 11 days (sometimes longer depending on whether the 11th day is a weekend or holiday). It will be assumed that Petitioner's FIP eligibility was affected beginning [REDACTED].

[For FAP benefits,] 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. BEM 255 (April 2015), p. 1. Cooperation is a condition of eligibility. *Id.*, p. 9. Cooperation is required in all phases of the process to establish paternity and obtain support. *Id.* It includes all of the following (see *Id.*):

- 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).

MDHHS presented a First Customer Contact Letter (Exhibit A, pp. 1-2) dated [REDACTED]. The letter informed Petitioner of a requirement to contact OCS within 10 days concerning the paternity of a daughter.

MDHHS presented a "Final Customer Contact Letter" (Exhibit C, pp. 1-2) dated [REDACTED]. The letter again informed Petitioner that she was required to report paternity information of a daughter to OCS. The stated deadline was January 28, 2017.

MDHHS presented a Noncooperation Notice (Exhibit D) dated [REDACTED]. The letter informed Petitioner that she was considered uncooperative with OCS due to a failure to respond to a contact letter.

MDHHS testimony indicated Petitioner's only contact with OCS occurred on [REDACTED]. It was not disputed that Petitioner reported she had a one-night stand with a person in [REDACTED]. It was not disputed that Petitioner was only able to provide OCS with a first name of the father and no other identifiable information.

During the hearing, OCS attempted to obtain further information concerning Petitioner's encounter. Petitioner testified she was intoxicated on the evening of her child's conception. Petitioner also testified she could not remember the name of the bar where she reportedly met the father of her child.

During the hearing, the presiding ALJ's statements were indicative that it would be found that Petitioner sincerely reported all information concerning her child's paternity. The ALJ further implied that Petitioner was entitled to a reversal of the MDHHS actions because of her reporting. A less debatable finding to support the same outcome is that Petitioner's testimony concerning her knowledge of her child's father was sufficiently theoretical possible so that it could not be stated with enough certainty that she was uncooperative. Given presented evidence, neither finding is justified.

Presented evidence sufficiently verified that Petitioner was mailed two letters requesting paternal information. Petitioner eventually contacted OCS on [REDACTED]. Even if Petitioner's reporting on [REDACTED], was deemed to be sufficient, it was too late to alter the termination of Petitioner's FIP eligibility.

It was found MDHHS sent a notice of closure on [REDACTED]. Applying the 11 days required for timely notice results in Petitioner's ongoing FIP eligibility ending on [REDACTED]. Petitioner's later attempt at compliance is irrelevant because Petitioner's case had already closed. No evidence was presented to support that Petitioner contact OCS before [REDACTED]. Petitioner's failure to contact OCS

concerning paternity of her child is a basis to find Petitioner to be uncooperative. It is found that MDHHS properly deemed Petitioner to be uncooperative with child support.

[For ongoing FIP benefits,] any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month. *Id.*, p. 13. Bridges will close FIP for a minimum of one calendar month when any member required to cooperate has been determined non-cooperative with child support. *Id.* The disqualification is effective the first day of a month. *Id.*

A termination of FIP eligibility is the proper outcome for child support non-cooperation for ongoing FIP recipients. It is found MDHHS properly terminated Petitioner's FIP eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly disqualified Petitioner from FIP eligibility beginning [REDACTED], due to Petitioner's lack of cooperation with obtaining child support. The actions taken by MDHHS are **AFFIRMED**.

CG for MJB/jaf



Christian Gardocki

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]

[REDACTED]