



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: August 29, 2019
MOAHR Docket No.: 19-005626
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 July 30, 2019, from Lansing, Michigan. Petitioner was represented by herself and her case manager, [REDACTED] from [REDACTED]. The Department of Health and Human Services (Department) was represented by April Nemec, Hearing Facilitator and Tiffany Heard, Office of Child Support Worker.

ISSUE

Did the Department properly close the Petitioner's Family Independence Program (FAP) benefits due to noncompliance 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. Petitioner was a recipient of FIP, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255.
2. On February 2, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605 that she was in noncooperation with OCS resulting in the closure of her FIP case effective March 1, 2019. Department Exhibit 1, pgs. 8-13.
3. On February 28, 2019, the OCS sent Petitioner a Cooperation Notice, OCS-1253, that effective February 28, 2019 that Petitioner was in cooperation with OCS. Department Exhibit 1, pg. 35.

4. On March 7, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605 that she was in cooperation with OCS resulting in the opening of her FIP case effective April 1, 2019. Department Exhibit 1, pgs. 27-31.
5. On May 22, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action for FIP.

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 this case, Petitioner was in noncompliance with OCS. She finally called on February 28, 2019, but it was outside of the negative action period. As a result, she has to serve a one-month penalty for her FIP benefits. The penalty month was March 2019. Her benefits were restored for the month of April 2019. BAM 105, 110, 115, 220, and 600. BEM 209 and 255.

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 determined that Petitioner FIP case should be closed for a 1 month penalty because she did not comply within the negative action period.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

Department Representative

Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI 48933

DHHS

Tamara Morris
125 E. Union St 7th Floor
Flint, MI 48502

Genesee County (Union), DHHS

BSC2 via electronic mail

B. Cabanaw via electronic mail

G. Vail via electronic mail

Petitioner


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