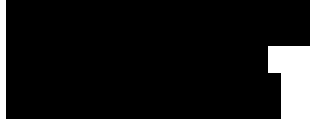




RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 4, 2017
MAHS Docket No.: 17-011406
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 October 2, 2017, from Detroit, Michigan. Petitioner was present and represented herself. Petitioner was also present with her daughter, [REDACTED]. The Department of Health and Human Services (Department) was represented by Anthony Couls, Assistance Payments Worker/Hearing Facilitator. The Office of Child Support was represented by Renee Boucher, Lead Child Support Specialist.

ISSUE

Did the 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 March 26, 2017, Petitioner was placed in noncooperation status by the Office of Child Support (OCS).
2. On March 30, 2017, Petitioner was placed in cooperation status by OCS.
3. On [REDACTED], 2017, Petitioner submitted an application for FIP benefits.
4. On May 19, 2017, the Department sent Petitioner a Notice of Case Action informing her that her application for FIP benefits was being denied for her failure to cooperate with OCS (Exhibit A).

5. On August 17, 2017, Petitioner submitted a hearing request to dispute the Department's actions.

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.

Department policy requires the custodial parent of children to 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 (January 2017), p. 1. Cooperation is a condition of eligibility. BEM 255, p. 9. Cooperation includes: contacting the support specialist when requested, providing all known information about the absent parent, appearing at the office of the prosecuting attorney when requested, and taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests). BEM 255, p. 9.

In this case, Petitioner was sent a First Customer Contact Letter from OCS on March 7, 2017, requesting that she contact their office within 10 days. OCS received no response from the Petitioner. OCS sent the Petitioner a Final Customer Contact Letter on March 17, 2017, again requesting that she contact their office within 10 days. The Petitioner failed to comply with the request, and she was placed in noncooperation status as of March 26, 2017. On March 30, 2017, Petitioner submitted an electronic customer information form containing all of the necessary information. As a result, Petitioner was placed in cooperation status on March 30, 2017. Petitioner was not placed in noncooperation status after March 30, 2017, where she remained as of the date of the requested hearing.

On [REDACTED], 2017, Petitioner submitted an application for FIP benefits. On May 19, 2017, Petitioner was sent a Notice of Case Action stating her FIP benefit application was denied due to her failure to cooperate with OCS.

At the time of the application for FIP benefits, Petitioner was in cooperation status with OCS. Therefore, the Department did not act in accordance with policy when it denied Petitioner's application for FIP benefits.

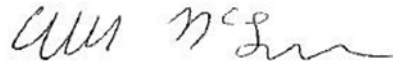
DECISION AND ORDER

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 did not act in accordance with Department policy when it denied Petitioner's [REDACTED] 2017 application for FIP benefits.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reregister and reprocess Petitioner's [REDACTED], 2017 application for FIP benefits;
2. If Petitioner is eligible for FIP benefits, issue supplements to Petitioner for any FIP benefits she was eligible to receive but did not as a result of the application denial; and
3. Notify Petitioner of its FIP decision in writing.



EM/jaf

Ellen McLemore
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

MDHHS-Wayne-18-Hearings

Petitioner



BSC4
D Shaw
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