



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: October 12, 2021
MOAHR Docket No.: 21-004245
Agency No.: ██████████
Petitioner: ██████ ██████

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 5, 2021, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Erma Aranda-Cruz, FIM. Andree Janzen Eligibility Specialist and Patrick Dolton from the Office of Child Support also appeared and testified for the Department. Department Exhibit 1, pp. 1-28 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's Family Independence Program (FIP) application for failing to cooperate with the Office of 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. On ██████ ██████ ██████ Petitioner applied for FIP benefits.
2. At the time of application, Petitioner was in noncooperation with the Office of Child Support because they found she had not provided all information available about the father of her child.
3. On July 15, 2021, Notice of Case Action was sent to Petitioner informing her that her FAP application was denied because she was in non-cooperation with the Office of Child Support.
4. On August 30, 2021, Petitioner requested hearing disputing the denial of FIP benefits.

5. On September 15, 2021, Petitioner was found to be in cooperation with the Office of Child Support.

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.

CHILD SUPPORT REFERRAL REQUIREMENTS FIP, CDC Income Eligible, MA, and FAP

Refer unmarried children who have no legal father or who have a legal parent absent from the home to the OCS for child support action by completing the Absent Parent Logical Unit of Work and certifying eligibility of benefits. BEM 255

COOPERATION FIP, CDC Income Eligible, MA and FAP

Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- 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). BEM 255

In this case, Petitioner was in noncooperation with the Office of Child Support at the time of application because they believed she had not provided all the information she had regarding the father of her child. At the prehearing conference on September 15, 2021, Petitioner provided additional information and she was found to be in cooperation

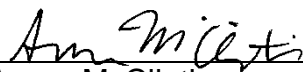
by the Office of Child Support. Petitioner testified at hearing that she was never asked the questions she was asked at the prehearing conference and would have provided the additional information had she been asked previously. When Petitioner was found to have been in noncooperation previously, prior to the [REDACTED] [REDACTED] application, she had the opportunity to contest that finding but she did not do so. At the time of application in [REDACTED] [REDACTED] Petitioner was in noncooperation and therefore it was correct to deny her application on that basis. BEM 255 Petitioner was advised that she has the opportunity to reapply for FIP benefits and if she meets the other criteria, she may be eligible.

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 FIP application because she was in noncooperation with the Office of Child Support.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge

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

