



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: August 23, 2022
MOAHR Docket No.: 22-003078
Agency No.: ██████████
Petitioner: ██████████ ██████████

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 August 16, 2022, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Brad Reno. Jeff Koteles of the Department's Office of Child Support testified on behalf of the Department.

ISSUE

Did the Department of Health and Human Services (Department) properly sanction Petitioner's 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 ██████████ 2022, the Department received Petitioner's application for Family Independence Program (FIP) benefits as a household of four.
2. On June 7, 2022, the Department requested that Petitioner provide verification of the identity of her newborn child.
3. On June 10, 2022, the Department notified Petitioner that she was eligible for Family Independence Program (FIP) benefits.
4. On June 14, 2022, the Department's Office of Child Support requested that Petitioner provide information necessary to identify and locate the absent parent of her newborn child.

5. On June 24, 2022, the Department's Office of Child Support requested that Petitioner provide information necessary to identify and locate the absent parent of her newborn child.
6. On July 3, 2022, the Department's Office of Child Support requested that Petitioner provide information necessary to identify and locate the absent parent of her newborn child.
7. On July 3, 2022, the Department determined that Petitioner was noncompliant with the Department's efforts to identify the absent parent of her newborn child.
8. On July 27, 2022, the Department sent Petitioner a Claim of Good Cause from (DHS-1268) form.
9. Petitioner testified that she knows that her newborn child was born as the result of a sexual assault but that she does not know the absent parent's identity.
10. On July 18, 2022, the Department received Petitioner's request for a hearing.

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 through 679c. The Department administers FIP pursuant to 45 CFR 233 through 261, MCL 400.10, the Social Welfare Act, MCL 400.1 et seq, and Mich Admin Code, R 400.3101 through R 400.3131.

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, 2020), pp 1-2.

On [REDACTED] 2022, the Department received Petitioner's application for FIP benefits as a household of four. After verifying the identity of Petitioner's newborn child, the Department requested information necessary to identify and locate the absent parent of Petitioner's child since it is an eligibility requirement to receive FIP benefits for applications to seek out all sources of financial support available to them.

On or around July 3, 2022, the Department determined that Petitioner had failed to cooperate with efforts to identify and locate the absent parent, and disqualified Petitioner from receiving FIP benefits.

Petitioner credibly testified that she does not know the identity of the absent parent other than his first name. Petitioner credibly testified that she was sexually assaulted while intoxicated and that she chose not to pursue a criminal investigation into the assault.

The Department failed to offer any evidence supporting a finding that Petitioner had knowledge of any information that would lead to the identification of the absent father of her newborn child. Where a mother who honestly asserts, under oath, that she had no further information regarding the child's father, and in the absence of any evidence that the mother is concealing information, the Department has failed to establish by a preponderance of evidence that the mother has failed to cooperate with the Office of Child Support.

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 sanctioned Petitioner's Family Independence Program (FIP) benefits for noncooperation with the Office of Child Support.

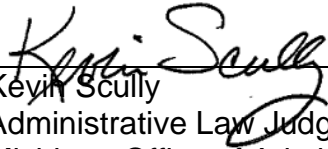
DECISION AND ORDER

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. Initiate a determination of the Petitioner's eligibility for Family Independence Program (FIP) benefits effective August 1, 2022.
2. Provide the Petitioner with written notice describing the Department's revised eligibility determination.
3. Issue the Petitioner any retroactive benefits she may be eligible to receive, if any.

KS/nr



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings and
Rules (MOAHR)

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

Via Electronic Mail:

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

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