



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: January 12, 2023
MOAHR Docket No.: 22-005418
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun

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 December 15, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearing Facilitator.

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 or around July 1, 2019, the Department placed Petitioner in noncooperation with child support requirements. (Exhibit B, p.5)
2. On or around [REDACTED] 2022, Petitioner submitted an application requesting FIP benefits.
3. On or around September 1, 2022, the Department sent Petitioner a Notice of Case Action, advising her that her [REDACTED] 2022, FIP application was denied due to a failure to cooperate with child support requirements. (Exhibit B, pp.1-4)
4. On or around September 2, 2022, the Department placed Petitioner in cooperation with child support requirements, as the Office of Child Support (OCS) determined that she was compliant with child support requirements. (Exhibit B, p.5)

5. On or around [REDACTED] 2022, Petitioner submitted an application requesting FIP benefits.
6. The Department asserted that Petitioner's [REDACTED] 2022, FIP application was denied due to a failure to cooperate with child support requirements. However, there was no evidence that the Department issued a notice of case action or other eligibility notice advising Petitioner of the denial.
7. On or around [REDACTED] 2022, Petitioner submitted a third application for FIP benefits. The Department received the application but acknowledged that it was not processed, and no eligibility decision had been made as of the hearing date.
8. On or around November 17, 2022, Petitioner requested a hearing disputing the Department's actions with respect to the denial of her FIP applications. (Exhibit A, pp. 3-4)

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.

The custodial parents 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. Absent parents are required to support their children. Support includes **all** of the following: child support, medical support and payment for medical care from any third party. BEM 255 (January 2020), pp. 1, 9-13. A client's cooperation with paternity and obtaining child support is a condition of CDC eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p. 9-13. Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month for FIP cases. BEM 255, pp. 9-13. The Department will not restore or reopen benefits for a disqualified member until the client cooperates. BEM 255, pp. 14-15.

In this case, the Department testified that Petitioner's [REDACTED] 2022, FIP application was denied because she was found to be in noncooperation with child support

requirements. The Department issued a Notice of Case Action on September 1, 2022, advising Petitioner of the denial. The Department acknowledged that as of September 2, 2022, Petitioner was in compliance with child support requirements based on information received from the OCS. The Department presented a Child Support Non-Cooperation Summary showing that Petitioner's comply date was September 2, 2022.

Although the Department initially testified that Petitioner's [REDACTED] 2022, application was also denied based on a failure to cooperate with child support requirements, after further review of Petitioner's electronic case file through Bridges, the Department testified that it had not issued a notice of case action or other eligibility notice advising Petitioner of the denial. Similarly, with respect to the [REDACTED] 2022, FIP application, the Department acknowledged the application was not processed and no eligibility decision had been made as of the hearing date.

The Department conceded that because, as of September 2, 2022, Petitioner was determined to be in cooperation with child support requirements, any subsequent denial for failure to comply with child support requirements would be improper. The Department further conceded that reprocessing of Petitioner's [REDACTED] 2022, and [REDACTED] 2022, FIP applications was necessary.

At the hearing, Petitioner confirmed that she no longer disputed the denial of the [REDACTED] 2022, FIP application and withdrew her request for hearing with respect to the [REDACTED] 2022, FIP application.

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 processed and/or denied Petitioner's [REDACTED] 2022, and [REDACTED] 2022, FIP applications due to a failure to cooperate with child support requirements.

DECISION AND ORDER

Accordingly, the Department's FIP 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. If not already completed, remove the child support noncooperation sanctions/disqualifications imposed on Petitioner's case;
2. Register and process Petitioner's [REDACTED] 2022, and [REDACTED] 2022, FIP applications to determine her eligibility for FIP benefits from the application dates, ongoing;

3. Supplement Petitioner for any FIP benefits that she was eligible to receive but did not from the application dates, ongoing; and
4. Notify Petitioner in writing of its decisions.

ZB/ml



Zainab A. Baydoun
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

Via Electronic Mail :

Department Representative
Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI 48933
**MDHHS-OCS-Admin-
Hearings@michigan.gov**

DHHS
Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141
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Interested Parties
BSC2
B Sanborn
MOAHR

Via First Class Mail :

Petitioner
[REDACTED]
[REDACTED]
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