



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: October 12, 2023
MOAHR Docket No.: 23-005334
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jeffrey Kemm

HEARING DECISION

On August 30, 2023, Petitioner, [REDACTED] requested a hearing to dispute the closure of her Family Independence Program (FIP) cash assistance benefits. Following Petitioner's hearing request, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9, 45 CFR 205.10, and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on October 5, 2023. Petitioner appeared at the hearing and represented herself. Respondent, Department of Health and Human Services (Department), had Angelique Pers, Success Coach, William Shoulders, Family Independence Manager, and Lynne Crittendon, Lead Support Specialist, appear as its representatives. Jessica Rush, Lead Worker, also appeared as an observer for the Department. Neither party had any additional witnesses.

One exhibit was admitted into evidence during the hearing. A 19-page packet of documents provided by the Department was admitted collectively as the Department's Exhibit A.

ISSUE

Did the Department properly close Petitioner's FIP benefits effective September 1, 2023?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. In September 2022, Petitioner met a male individual on the beach at Sanibel Island, Florida. Petitioner patronized a bar with the male individual and then they had sex in a vehicle.

2. Petitioner believes that she conceived her child, [REDACTED] with the male individual from Sanibel Island, Florida.
3. Petitioner does not know who the male individual was, Petitioner has not had any contact with him since they had sex, and Petitioner does not know how to contact him.
4. Petitioner was receiving FIP benefits from the Department.
5. Petitioner was required to cooperate with the Office of Child Support.
6. Petitioner failed to cooperate with the Office of Child Support.
7. On August 15, 2023, the Department issued a notice of case action to Petitioner to notify her that her FIP benefits were going to close effective September 1, 2023, because she failed to cooperate with the Office of Child Support. The notice advised Petitioner to contact the Office of Child Support at 1-866-540-0008 if she wanted to cooperate or if she had good cause for refusing to cooperate.
8. On August 29, 2023, the Department issued a Claim of Good Cause – Child Support form to Petitioner.
9. On September 6, 2023, the Department received the completed Claim of Good Cause – Child Support form from Petitioner. Petitioner asserted good cause because she had a random hookup and did not know who the father of the child was.
10. The Department reviewed Petitioner's claim of good cause and determined that Claimant did not establish good cause for not cooperating with the Office of Child Support.
11. Petitioner requested a hearing to dispute the closure of her FIP benefits.

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 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.

Cooperation with the Office of Child Support is a condition of eligibility for FIP. BEM 255 (July 1, 2023), p. 9. Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month. *Id.* at p. 13. Once an individual is disqualified from FIP for failing to cooperate, the individual must reapply for program eligibility unless either cooperation is recorded before the negative action date, or good cause is found before the negative action date. *Id.* at p. 15-16. Good cause is limited to two different situations: (1) cases in which establishing paternity/securing support would harm the child, and (2) cases in which there is danger of physical or emotional harm to the child or client. *Id.* at p. 4.

In this case, Petitioner requested a hearing to dispute the closure of her FIP benefits. Petitioner asserted that she had good cause for failing to comply with the Office of Child Support. However, Petitioner did not present sufficient evidence to establish that good cause was found before the effective date of the negative action. Petitioner asserted that she had good cause because she had a random hookup and did not know who the father of the child was. Petitioner's asserted reason for good cause does not fall within either of the two different situations that good cause is limited to.


On August 15, 2023, the Department issued a notice to Petitioner to notify her that her FIP benefits were going to close, and the Department instructed Petitioner to contact the Office of Child Support. The effective date of the negative action was September 1, 2023, Petitioner's cooperation was not recorded before September 1, 2023, and good cause was not found before September 1, 2023. Thus, pursuant to BEM 255, the Department properly closed Petitioner's 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 act in accordance with its policies and the applicable law when it closed Petitioner's FIP benefits effective September 1, 2023.

IT IS ORDERED the Department's decision is **AFFIRMED**.

JK/ml



Jeffrey Kemm
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
Denise Ezell
Wayne Pathways to Potential-DHHS
3040 W Grand Blvd STE 5-450
Detroit, MI 48202
MDHHS-Wayne-23-Hearings@michigan.gov

Interested Parties
BSC4
B Sanborn
MOAHR

Via First Class Mail:

Petitioner

[REDACTED]
MI [REDACTED]