



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
MI [REDACTED]

Date Mailed: October 27, 2022
MOAHR Docket No.: 22-004248
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 20, 2022. The Petitioner represented himself. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator and Laurie Freed, P# 61255, from the Prosecuting Attorney's Office. Department Exhibit 1, pgs. 1-40 was admitted and made a part of the record.

ISSUE

Did the Department properly determine that the Petitioner was not eligible for Family Independence Program (FIP) benefits due to noncompliance with the Office of Child Support (OCS)?

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 August 28, 2020, the OCS sent the Petitioner a questionnaire with a prepaid envelope.
2. On September 29, 2020, an invitation from the OCS was sent to the Petitioner for a virtual interview on October 13, 2020, from the OCS.
3. On October 13, 2020, the Petitioner failed to appear for his virtual interview with the OCS.
4. On October 14, 2020, the OCS determined that the Petitioner was in noncompliance with the OCS.

5. On October 14, 2020, the OCS mailed the Petitioner a Notice of Noncooperation.
6. On January 15, 2021, the Petitioner was found to be in cooperation and a notice was sent out after the Petitioner updated his information where he stated that he and the noncustodial parent (NCP) were still together, but they were having problems with the landlord, so the NCP moved out and was living with her mother, but that they still shared parenting responsibilities.
7. On January 19, 2021, the OCS sent the Petitioner a questionnaire with a prepaid envelope.
8. On May 6, 2021, an invitation from the OCS was sent to the Petitioner for a virtual interview on May 25, 2021.
9. On May 25, 2021, the Petitioner failed to appear for his virtual interview with the OCS.
10. On May 26, 2021, the OCS determined that the Petitioner was in noncompliance with the OCS with a second and final intake letter was sent for a virtual interview on June 9, 2021.
11. On June 9, 2021, the Petitioner failed to appear for his virtual interview with the OCS.
12. On June 9, 2021, the OCS mailed the Petitioner a Notice of Noncooperation, and the Petitioner was found to be in noncompliance.
13. On November 4, 2021, the Petitioner was placed in cooperation status, and it was explained that he had to cooperate with OCS in order to continue receiving Department benefits, which required him to fill out the questionnaire with a notice sent out to the Petitioner on November 5, 2021.
14. On November 22, 2021, the Petitioner was placed back in noncompliance with OCS.
15. On [REDACTED] 2022, the Petitioner applied for FIP cash assistance.
16. On August 9, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
17. On August 16, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on August 26, 2022, for the Petitioner to submit required verification to determine FIP eligibility.
18. On August 30, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS 1605, that the Petitioner's FIP application was denied for failing to submit the required verification to determine FIP eligibility, having excess income for FIP, and being in noncompliance with OCS.

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.

In this case, the OCS sent the Petitioner a questionnaire with a prepaid envelope on August 28, 2020. On September 29, 2020, an invitation from the OCS was sent to the Petitioner for a virtual interview on October 13, 2020. On October 13, 2020, the Petitioner failed to appear for his virtual interview with the OCS. On October 14, 2020, the OCS determined that the Petitioner was in noncompliance with the OCS. On October 14, 2020, the OCS mailed the Petitioner a Notice of Noncooperation.

On January 15, 2021, the Petitioner was found to be in cooperation and a notice was sent out after the Petitioner updated his information where he stated that he and the noncustodial parent (NCP) were still together, but they were having problems with the landlord, so the NCP moved out and was living with her mother, but that they still shared parenting responsibilities. On January 19, 2021, the OCS sent the Petitioner a questionnaire with a prepaid envelope. On May 6, 2021, an invitation from the OCS was sent to the Petitioner for a virtual interview on May 25, 2021. On May 25, 2021, the Petitioner failed to appear for his virtual interview with the OCS. On May 26, 2021, the OCS determined that the Petitioner was in noncompliance with the OCS with a second and final intake letter sent for a virtual interview on June 9, 2021. On June 9, 2021, the Petitioner failed to appear for his virtual interview with the OCS.

On June 9, 2021, the OCS mailed the Petitioner a Notice of Noncooperation, and the Petitioner was found to be in noncompliance. On November 4, 2021, the Petitioner was placed in cooperation, and it was explained that he had to cooperate with OCS in order to continue receiving Department benefits, which required him to fill out the questionnaire with a notice sent on November 5, 2021. On November 22, 2021, the Petitioner was placed back in noncompliance with OCS.

On [REDACTED] 2022, the Petitioner applied for FIP cash assistance. On August 9, 2022, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On August 16, 2022, the Department Caseworker sent the Petitioner a Verification Checklist, DHS 3503, that was due on August 26, 2022, for the Petitioner to submit required verification to determine FIP eligibility. On August 30, 2022, the Department Caseworker sent the Petitioner a Notice of Case Action, DHS

1605, that the Petitioner's FIP application was denied for failing to submit the required verification to determine FIP eligibility, having excess income for FIP, and being in noncompliance with OCS. BAM 130 and 220. BEM 220, 245, and 255.

During the hearing, the Petitioner stated that he did not want to cooperate with OCS. He is not willing to open a child support case against his NCP. The Petitioner was reminded that a child support case was required in order to receive benefits from the Department. The Petitioner was currently not in cooperation with OCS. The Administrative Law Judge finds that the Petitioner was not eligible for FIP benefits because he was in noncooperation status with OCS, excess income for FIP, and he failed to timely submit the required verification to determine FIP eligibility.

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 acted in accordance with Department policy when it determined that the Petitioner was not eligible for FIP benefits because he was in noncooperation status with OCS, excess income for FIP, and he failed to timely submit the required verification to determine FIP eligibility.

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

CF/cc



Carmen G. Fahie
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 :

Interested Parties

MDHHS-Ingham-Hearings
BSC2-HearingDecisions
D. Sweeney
G. Vail
B. Sanborn
MOAHR

Via-First Class Mail :

Petitioner

[REDACTED]
[REDACTED]
[REDACTED] MI [REDACTED]