

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████  
Claimant

Reg. No: 2009-16946  
Issue No: 1005-3008  
Case No: ██████████  
Load No: ██████████  
Hearing Date:  
May 7, 2009  
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on May 7, 2009. Claimant appeared and testified.

The Office of Child Support participated by telephone for this hearing.

ISSUE

Did the Department properly sanction the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) case for non-cooperation with the Office of Child Support?

FINDINGS OF FACT

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

1. On October 1, 2008 the Claimant started receiving FIP and FAP.

2. On December 1, 2008 the Department received notice the Claimant was in non-cooperation with the Office of Child Support.
3. On January 6, 2009 the Claimant's case was placed into negative action.
4. On January 16, 2009 the Claimant requested a hearing.
5. On March 19, 2009 a pre-hearing conference was held with the Claimant, Department and Office of Child Support. During this meeting the Claimant explained she only knew the baby's father's first name as she was providing services on Craigslist and was involved with drugs and was high at the time.

#### CONCLUSIONS OF LAW

The Food Assistance Program (FAP)(formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS) administers the FAP program pursuant to MCL 400.10, et seq., and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, et seq. The Department of Human Services (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, et seq., and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual

(PEM) and the Program Reference Manual (PRM).

In the present case, the Claimant requested a hearing contesting the child support non-cooperation sanction. The Claimant testified she did cooperate with the Office of Child Support and provided all of the information she had on the alleged father. The Office of Child Support determined she failed to cooperate since she only provided the first name of the alleged father. A pre-conference hearing was held prior to this hearing without resolution. The Claimant again recited for the Office of Child Support the painful reality of why she could only provide a first name for the alleged father. The Claimant indicated she had made mistakes and was using drugs and serving as an escort on Craigslist at the time she became pregnant.

During the hearing the Office of Child Support determined the Claimant was being cooperative. The Office of Child Support agreed to remove the sanction. The Claimant was satisfied with this action and therefore the case was settled.

The parties have reached an agreement. Therefore, the Claimant's request for a hearing is hereby DISMISSED.

/s/ \_\_\_\_\_  
Jonathan W. Owens  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: 6/1/09

Date Mailed: 6/3/09

**NOTICE:** Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

JWO/at

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