

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Claimant,

Reg No: 2010-28054

Issue No: 3008

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

May 5, 2010

Livingston County DHS

ADMINISTRATIVE LAW JUDGE: Steven M. Brown

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 telephone hearing was conducted from Lansing, Michigan on May 5, 2010.

ISSUE

Whether the Department properly reduced Claimant's Food Assistance Program (FAP) 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. Claimant is a FAP recipient.
2. On August 31, 2009, the Department received an August 26, 2009

Noncooperation Notice from the Office of Child Support (OCS). (Exhibit 1)

3. On January 28, 2010, the Department emailed the OCS to confirm that the Noncooperation Notice was still current. (Exhibits 2, 7-20)

4. On January 28, 2010, the Department mailed Claimant a Notice of Case Action which explained the reduction in FAP benefits. (Exhibits 3-6)

5. On February 8, 2010, the Department received Claimant's hearing request.

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 or department), administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Departmental policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Bridges Reference Manual (BRM).

Families are strengthened when the 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 OCS, the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent.

Clients 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. BEM 255, p.1 Cooperation is required in all phases of the process to establish paternity and obtain support. It includes all of the following: contacting the support specialist when requested, providing all known information about the absent parent, appearing at the office of the prosecuting attorney when requested and taking any actions needed to establish paternity and obtain child support

(including, but not limited to, testifying at hearings or obtaining blood tests). BEM 255, p.8 Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance. BEM 255, p.1 For FAP, failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual and their needs are removed from the FAP group for a minimum of one month. The remaining eligible group members will receive benefits. The non-cooperating member is disqualified for FAP until the Department is notified of cooperation by OCS or cooperation is no longer an eligibility factor. BEM 255, p.12

In the instant case, based on the testimony and documentation offered at hearing, it is clear to me that Claimant did not cooperate with the OCS as cooperation is defined above. As such, I find that the Department established that it acted in accordance with policy in reducing Claimant's FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in reducing Claimant's FAP benefits.

Accordingly, the Department's FAP eligibility determination is AFFIRMED, it is SO ORDERED.

/s/ _____
Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 10, 2010

Date Mailed: May 13, 2010

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 60 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.

SB/lk

cc:

