

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-52339
Issue No.: 1003/3008
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: September 29, 2010
Wayne County DHS (41)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 29, 2010. The Claimant appeared and testified through an interpreter [REDACTED], ES worker. [REDACTED], FIM and [REDACTED], ES worker appeared for the Department.

ISSUE

Whether the Department properly removed the Claimant's from her Food Assistance Program (FAP) as a group member due to non-cooperation with child support?

FINDINGS OF FACT

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

1. The Claimant was recipient of FAP benefits and was removed from her FAP group for non cooperation with Child Support request for cooperation.
2. The Claimant had her FAP benefits reduced when she was removed from her group as a result of noncompliance with child support and paternity identification as of September 1, 2010.
3. The Claimant is Hispanic and reads only a little English and did not receive the notice requesting her cooperation.
4. At the hearing the Department through its interpreter confirmed that the Claimant now understood why her benefits were decreased and the Department agreed to assist the Claimant in completing the information

being requested by the Child support division and agreed to email or fax the information supplied by the Claimant to them at the hearing.

5. The Claimant agreed to cooperate and provide the requested information.
6. As a result of these agreements by the Department and the Claimant, the Claimant indicated that she no longer wished to proceed and was satisfied with the result.
7. The Claimant had initially requested a hearing on August 20, 2010 which was received by the department on August 20, 2010.

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 (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In this matter the Claimant's FAP benefits were affected when she was found to be non cooperative with the Department in attempting to determine the paternity of her child. The reason for the Department's involvement is based on policy to strengthen families:

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

DEPARTMENT POLICY

FIP, CDC Income Eligible, MA and FAP

The head of household and the parent 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. BEM 255 page 1

Exceptions to cooperation occur when good cause for non cooperation can be shown or requiring cooperation is against the child's best interest.

In the record presented, the parties agreed that the Claimant was willing to cooperate and that the Department agreed to assist the Claimant in her cooperation efforts and to resolve the matter with the Child Support Division and therefore it is unnecessary to decide the matter as the Claimant was satisfied with the out come and no longer wished to pursue her hearing request.

The Department indicated that it will be responsible to reinstate the Claimant's FAP benefits once the sanctions are lifted and that they will assist the Claimant in communicating with the Child Support Division.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that this hearing request should be dismissed based upon the agreement of the parties to take actions to assist the Claimant in complying with Child Support and therefore this case is hereby dismissed as the Claimant agreed and understood the reasons for the Department's reduction of the Claimant FAP benefits. Once the Claimant is found to be in cooperation with Child Support the Department will reinstate the Claimant to her FAP group.



Lynn M. Ferris
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 10/04/2010

Date Mailed: 10/04/2010

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.

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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 of the rehearing decision.

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