

STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**

[REDACTED]  
[REDACTED]  
[REDACTED]

Reg. No: 20128390  
Issue No: 3008, 6015  
Case No: [REDACTED]  
Hearing Date: January 31, 2012  
Wayne County DHS

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**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 January 31, 2012. Claimant appeared and testified.

**ISSUE**

Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case for failure to cooperate with the Office of Child Support?

Did the Department of Human Services properly close Claimant's Child Development and Care (CDC) case for failure to cooperate 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 material fact:

1. On April 2, 2010, the Office of Child Support placed Claimant in noncooperation status.
2. On September 14, 2011, Claimant submitted an application for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.
3. On October 14, 2011, Claimant was sent a Notice of Case Action (DHS-1605) which stated her CDC application was denied and her Food Assistance Program (FAP) benefits were denied beginning November 1, 2011.
4. On October 25, 2011, Claimant submitted a request for hearing.

## **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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case there is no dispute that Claimant received requests for information from the Office of Child Support or that she provided some information. Claimant asserts that she knows practically nothing about the father of her child because it was a one night stand with someone she had just met and did not see again. Claimant described that she met him in a bar and he accompanied her back to a party at the home of a friend. The only information she provided was the color of his hair and eyes and that he was [REDACTED]

Department policy provides the following guidance. The Department's policies are available on the internet through the Department's website.

### **Michigan IV-D Child Support Manual Department of Human Services**

#### **2. Determining Cooperation and Noncooperation**

##### **2.2 What Defines Cooperation?**

A CP is in cooperation with the IV-D program when (s)he responds to a request for action and provides information to assist in establishing paternity and/or a child support order. Cooperation includes, but is not limited to, the following:

Identifying the non-custodial parent (NCP) or putative father;

Locating the NCP/putative father, including providing necessary identifying information and whereabouts, if known;

Attesting to the lack of knowledge about any of the above information;

Appearing for genetic testing as requested by Prosecuting Attorney (PA) or Friend of the Court (FOC) staff, and making the child(ren) available on the dates and times requested for genetic testing;

Appearing at reasonable times and places as requested to provide information or take legal action (e.g., appearing at the PA or FOC office);

Appearing as a witness or complainant at a legal proceeding;

Providing the name of the insurance company and coverage that the CP provides for the child(ren); and

Providing all known, possessed or reasonably obtainable information that relates to establishing paternity and/or securing support.

For FIP recipients, cooperation also includes remitting to the Department of Human Services (DHS) certain assigned court-ordered support payments received after FIP case opening.<sup>7</sup>

To be in cooperation, the CP must provide information or take any action needed to establish paternity or obtain child support or medical support. Information provided by the CP provides a basis for determining the appropriate support action. Cooperation from the CP will enhance and expedite the process of establishing paternity and obtaining support.

The goal of the cooperation requirement is to obtain child support and medical support. Michigan IV-D policy is to find a CP who is an applicant or recipient of assistance out of compliance only as a last resort.

It is not credible that Claimant would make an acquaintance and invite the person to a party without learning some basic facts such as name, status of employment or school, etc. The policy cited above also includes a requirement for a recipient of assistance to

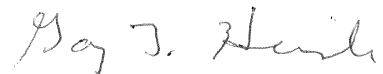
actively pursue information about the father of her child. There is no evidence in this record to show that Claimant made any inquiries at the bar or of others at the party. In accordance with Department policy Claimant is not cooperating with the Office of Child Support.

During this hearing the DHS case worker stated that complete closure of Food Assistance Program (FAP) benefits was an error. Department policy directs that for the Food Assistance Program (FAP) only the non-cooperating member is disqualified and removed from the benefit group.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Child Development and Care (CDC) case for failure to cooperate with the Office of Child Support.

The Department of Human Services DID NOT properly close Claimant's Food Assistance Program (FAP) case for failure to cooperate with the Office of Child Support. Claimant should be removed from the benefit group but Food Assistance Program (FAP) benefits which Claimant's child is otherwise eligible for must be reinstated and supplemented if necessary.



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Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: February 7, 2012

Date Mailed: February 7, 2012

**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.

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The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

GFH/tg

cc:

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