

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

IN THE MATTER OF:

[REDACTED]

Reg. No: 201271738
Issue No: 1003, 3008
Case No: [REDACTED]
Hearing Date: September 25, 2012
St. Clair County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on August 13, 2012. After due notice, a telephone hearing was held on September 25, 2012.

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility?

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 January 3, 2009, the [REDACTED] requested that the Claimant provide information about the non-custodial parent of one of her [REDACTED]
2. On January 24, 2009, the [REDACTED] made a final request for the Claimant to cooperate with its requests for information.
3. On February 14, 2009, the [REDACTED] notified the Claimant that she was considered non-cooperative for failing to respond to its correspondence and requests for information.
4. On June 11, 2012, the Claimant applied for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits.
5. On July 31, 2012, the Department notified the Claimant that it had denied her application for Family Independence Program (FIP) benefits and disqualified her from Food Assistance Program (FAP) benefits.

6. The Department received the Claimant's request for a hearing on August 13, 2012, protesting the denial of her Family Independence Program (FIP) application and disqualification from her Food Assistance Program (FAP) group.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) (formerly known as the Food Stamp 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), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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 of Human Services Bridges Eligibility Manual (BEM) 255 (December 1, 2011), p 1.

The custodial parent or alternative caretaker 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.

Exceptions to the cooperation requirement are allowed for all child support actions except when the recipient fails to return assigned child support payments received after the support certification effective date. BEM 255.

There are two types of good cause:

- Cases in which establishing paternity/securing support would harm the child.
- Cases in which there is danger of physical or emotional harm to the child or client.

In this case, the [REDACTED] requested that the Claimant provide information about the non-custodial parent of one of her [REDACTED]. On January 24, 2009, the [REDACTED] made a final request for the Claimant to cooperate with its requests for information. On February 14, 2009, the [REDACTED] notified the Claimant that she was considered noncooperative for failing to respond to its correspondence and requests for information.

On June 11, 2012, the Claimant applied for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. On July 31, 2012, the Department notified

the Claimant that it had denied her application for Family Independence Program (FIP) benefits and disqualified her from her Food Assistance Program (FAP) group.

The Claimant did not dispute that she did not respond to the [REDACTED] requests for information in 2009. The Claimant testified that she was married to her former husband [REDACTED] when her [REDACTED] was born and that he is considered to be the legal father of this child. The Claimant testified that she chose not to cooperate with the [REDACTED] because [REDACTED] is not the biological father of her child, and she did not want [REDACTED] to be subject to a [REDACTED] obligation. The Claimant testified that she lacks the resources to obtain a court order to establish the biological father of her child as the legal father. The Claimant testified that in 2012, she and the biological father signed an affidavit of parenting acknowledging that they are the parents.

This Administrative Law Judge finds that the Claimant had a duty to cooperate with the [REDACTED] in 2009. This Administrative Law Judge finds that the Claimant failed to cooperate with the [REDACTED] as of February 14, 2009. Although the Claimant had valid reasons for not seeking to obligate the legal father [REDACTED] with a [REDACTED] obligation, these reasons do not fit the Department's definition of good cause. Therefore, the noncooperation sanction against the Claimant is valid and the Department has established that it properly denied the Claimant's Family Independence Program (FIP) application and properly disqualified her from the Food Assistance Program (FAP).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department acted in accordance with policy when it denied the Claimant's application for Family Independence Program (FIP) benefits and disqualified her from the Food Assistance Program (FAP).

The Department's Family Independence Program (FIP) and Food Assistance Program (FAP) eligibility determinations are AFFIRMED. It is SO ORDERED.

/s/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: September 28, 2012

Date Mailed: September 28, 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

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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.

KS/tb

cc:

