

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

**IN THE MATTER OF:**

██████████  
██████████  
██████████

Reg. No.: 2014-5703  
Issue No(s): 3008  
Case No.: ██████████  
Hearing Date: November 14, 2013  
County: Wayne (31)

**ADMINISTRATIVE LAW JUDGE:** Zainab Baydoun

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a three way telephone hearing was held on November 14, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included April Lawrence, Eligibility Specialist and Maryann Falcone, Lead Specialist from the Office of Child Support.

**ISSUE**

Did the Department properly process 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 was an ongoing recipient of FAP benefits.
2. On September 26, 2013, the Department sent Claimant a Notice of Case Action informing her that effective November 1, 2013, her FAP case would be closed on the basis that she failed to cooperate with child support requirements and that she failed to verify earned income.
3. On October 3, 2013, Claimant requested a hearing, disputing the Department's actions.

## **CONCLUSIONS OF LAW**

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

As a preliminary matter, prior to the hearing date, the Department received and processed the requested verification of Claimant's earned income and reinstated her FAP case, effective November 1, 2013. However, Claimant was still disqualified as a group member for her failing to cooperate with child support requirements. Claimant disputed her disqualification as a group member for FAP purposes and the hearing continued with respect to that issue.

Additionally, the custodial parents 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 she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2013), pp. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP eligibility. BEM 255, pp. 1, 9-11. Cooperation is required in all phases of the process to establish paternity and obtain support and includes providing all known information about the absent parent. BEM 255, p 8. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for FAP. BEM 255, pp. 9-11.

Good cause is granted in cases where requiring cooperation or a support action is against the child's best interest and there is a specific good cause reason. In cases in which establishing paternity or securing support would harm the child, the Department is not to require cooperation if the child was conceived due to incest or forcible rape, provided the criteria additional for the good cause claim is met. BEM 255, pp. 3-5.

In this case, the Department testified that on January 27, 2012, the Office of Child Support (OCS) sent Claimant a First Customer Contact Letter informing her to contact OCS and provide information regarding the noncustodial parent. (Exhibit 1). Because Claimant did not respond, on September 12, 2012, the Department sent Claimant a Final Customer Contact Letter requesting the same information and informing her that failure to provide that information would result in being placed in noncooperation status. (Exhibit 1). Both letters provided Claimant with instructions regarding filing a claim of good cause. On January 29, 2013, the Department sent Claimant a Noncooperation Notice informing her that she was not considered to be noncooperative with child

support and that her FAP case would be impacted. (Exhibit 1). The Department testified that no communication was received by Claimant in response to the letters and attempts were made to contact Claimant but were not successful.

At the hearing, Claimant confirmed that she received the letters from the OCS and stated that she did not respond or call the number provided. Claimant testified that she does not have any information on the absent father, as her child was conceived due to forcible rape. Claimant confirmed that she did not submit a claim of good cause to the Department.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it disqualified Claimant as a FAP group member, as she failed to comply with child support requirements. Claimant was informed that the Department would consider her claim of good cause, should she submit one.

### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.



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**Zainab Baydoun**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: November 22, 2013

Date Mailed: November 22, 2013

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) 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. MAHS 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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;

- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

Michigan Administrative Hearings  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-07322

ZB/tm

cc: [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]