

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

IN THE MATTER OF:



Reg. No.: 2013-57684
Issue No.: 3008, 6015
Case No.: [REDACTED]
Hearing Date: August 12, 2013
County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on August 12, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) case and reduce her Food Assistance Program (FAP) benefits for noncooperation with child support reporting obligations?

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 and CDC benefits.
2. On June 11, 2013, the Department sent Claimant a Notice of Case Action informing her that her CDC case would close effective June 30, 2013, and her FAP benefits would be reduced effective July 1, 2013, because she had failed to cooperate in establishing paternity or securing child support.
3. On July 8, 2013, Claimant filed a hearing request, protesting the Department's actions concerning her FAP and CDC cases.

CONCLUSIONS OF LAW

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

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 400.3015.

The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, the Department sent Claimant a Notice of Case Action on June 11, 2013, notifying her that her CDC case would close effective June 30, 2013, and her FAP benefits would be reduced effective July 1, 2013, because she failed to cooperate in establishing paternity or securing child support. Department policy requires that the custodial 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 (December 2011), p. 1.

Claimant has one child. The OCS participated in the hearing and testified that it contacted Claimant by letter on January 25, 2013, and on March 25, 2013, requesting that she complete and mail in a questionnaire or call her OCS child support specialist to provide information concerning her child's father. Claimant did not respond to either letter. On June 8, 2013, the OCS sent Claimant a Noncooperation Notice informing her that her failure to respond to the previous letters in connection with the child support program would affect her Department benefits.

The OCS testified that Claimant faxed documentation to the Department on June 8, 2013, and it held interviews with her on June 25, 2013, and July 11, 2013. During the course of the interviews, Claimant stated that the child was the product of a single encounter with the child's father. According to the OCS, Claimant provided the father's first and last name but could not provide a birthdate, age, or physical description. During the course of the interviews, Claimant revealed that the child's father came to the hospital when she gave birth and asked that she give the child his name. The OCS testified that, during the course of its investigation, it found an individual with the name

identified by Claimant with the middle name [REDACTED] the same middle name she gave to the child. The OCS asked Claimant during the interview to verify that the father's middle name was [REDACTED] but Claimant was unable or unwilling to do so.

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. The OCS concluded that, because Claimant did not provide a physical description of the father, could not provide an age or age range, and could not identify his full name, Claimant did not provide sufficient information which could assist OCS in identifying the father.

At the hearing and on the record, Claimant provided a physical description of the father, including his race, eye color, hair color, height, build, and an age range. She also indicated that she believed that his middle name was [REDACTED]. Based on this additional information, the OCS testified that it found Claimant in compliance with her child reporting obligations as of the August 12, 2013, hearing date. Although Claimant alleged that she had provided this information to the OCS prior to the hearing, the OCS testified that the worker's notes did not include this information. A copy of the child support form Claimant completed and provided to her OCS worker did not include any of the information Claimant provided on the record other than the father's height.

Because Claimant had not provided this information to OCS prior to hearing date, she was not in compliance with her child support reporting obligations prior to the hearing date. Thus, the Department acted in accordance with Department policy when it closed her CDC case and reduced her FAP benefits by designating her as a disqualified member of her FAP group. BEM 255, pp. 10, 11-12; BEM 212 (November 2012), p. 7.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it closed Claimant's CDC case and reduced her FAP benefits.

Accordingly, the Department's CDC and FAP decision is AFFIRMED.



Alice C. Elkin

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: August 16, 2013

Date Mailed: August 19, 2013

NOTICE OF APPEAL: 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).

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.

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

ACE/pf

cc:

