

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-012729
Issue No.: 2000; 3011
Case No.: ██████████
Hearing Date: October 27, 2014
County: Wayne-District 57

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 telephone hearing was held on October 27, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Assistance Payment Worker; ██████████, Family Independence Manager; and ██████████, Lead Worker with the Office of Child Support (OCS).

ISSUE

Did the Department properly remove Claimant as a member of her Food Assistance Program (FAP) group based on a child support noncooperation sanction?

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 22, 2014, OCS found Claimant in noncooperation with her child support reporting obligations with respect to her child ██████████ (K), born January 3, 2010.
3. On September 23, 2014, the Department sent Claimant a Notice of Case Action notifying her that, because of the child support sanction, effective November 1, 2014, she would be removed from her FAP group and the group's FAP benefits would decrease to \$649 based on a group size of four.

4. On September 26, 2014, Claimant filed a request for hearing disputing the Department's actions concerning her Medical Assistance (MA) and FAP cases.

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

As a preliminary matter, it is noted that Claimant requested a hearing concerning both her FAP and MA cases. At the hearing, however, she testified that she was satisfied with the Department's actions concerning her MA case and agreed to dismiss her hearing request concerning her MA case. The hearing proceeded to address Claimant's FAP case.

The Department testified that the Claimant was disqualified from her FAP group because she failed to comply with her child support reporting obligations concerning her minor child K. As a condition of FAP eligibility, the custodial parent of a minor child must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom the parent receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2014), p. 1.

At the hearing, OCS testified that Claimant called twice in response to letters it sent requesting information concerning K's father. On August 19, 2014, Claimant advised OCS that she met K's father in Texas, his name was [REDACTED], he was in the military, and she no longer had his address. OCS told her that, because she did not provide identifiable, verifiable information concerning the father, she was not in compliance with her reporting obligations. On September 22, 2014, Claimant called back with additional information. She again reiterated that she met the child's father in Texas but she was unable to provide any proof of her flight to Texas. She indicated that she went to a club in Killeen, Texas with her cousin where she met the child's father. The child's father told her his name was [REDACTED] and other people at the club called him [REDACTED]; he was 31 years old. She followed him in her car to a [REDACTED] Street address she identified to OCS. Because OCS continued to indicate that the information provided was insufficient and Claimant became upset with the OCS worker, her call was

transferred to the OCS lead worker. The OCS lead worker who responded testified that Claimant told her that the father was [REDACTED] or [REDACTED].” Claimant told her she could not identify the type of vehicle he drove or his license plate number and that she attempted to contact the father by phone after she returned to Detroit, but she no longer had his number. Claimant called OCS back on September 24, 2014, reiterating the same story but providing a phone number for K’s father.

At the hearing, Claimant testified that K was the product of a one-night stand with a man she met in Killeen, Texas and she provided OCS all the information she had concerning the father. She testified that she had gone to meet her cousin in Killeen, Texas for a little over a week in January, that she went with her cousin to a club where she met K’s father, that the father told her at the club that his name was “[REDACTED]” and that she heard his friends at the club call him [REDACTED]” that she had followed K’s father in her car from the club to the [REDACTED] Street address, that she saw him again before she left Texas, that she had K’s father’s phone number and had tried to call him when she returned to Detroit but he was not responsive to her calls, and that she had not been able to reach him when she found out she was pregnant in June or July. She explained that she did not obtain his license plate number and, because she had been drinking, could not identify the type of car he drove. She further testified that she did not have the father’s telephone number when she initially called OCS but was able to retrieve his telephone number for OCS only because she was able to pull up deleted data from her phone. She further explained that she was unable to get information concerning her Texas flight because she had moved since that time.

Cooperation to establish paternity and obtain support includes providing all known information about the absent parent. BEM 255, p. 9. At the hearing, OCS testified that it investigated the [REDACTED] Street address as well as the telephone number Claimant provided and did not find anyone with the name [REDACTED]” or “[REDACTED]” linked with the history of the address or telephone number provided. OCS also investigated Claimant’s cousin’s name and did not find any matches in Killeen, Texas. OCS also noted that Claimant had not been able to provide any documentation to support her statements that she had been in Texas when the child was conceived. OCS testified that, because Claimant had failed to provide any identifiable, verifiable information concerning K’s father and because of the inconsistencies she had provided concerning the father’s name, it concluded that she failed to comply with her reporting obligations.

While it is conceivable that K’s father may have misled Claimant concerning his name and address, resulting in OCS’s inability to link the phone number and address Claimant provided to the name she provided, the fact that Claimant was unable to substantiate her presence in Killeen, Texas during the period at issue, or even that she had a cousin with the name she identified in that area, was sufficient to substantiate OCS’s concerns regarding whether Claimant had provided all the information she had concerning her child’s father. Further, OCS noted that, during the course of her telephone contacts, Claimant was inconsistent concerning the father’s name. Because the evidence presented by OCS was sufficient to support its concerns that Claimant was withholding

additional information concerning K's father that was not disclosed, OCS properly concluded that Claimant was in noncompliance with her child support reporting obligations.

Clients who do not cooperate with their child support reporting obligations are disqualified members of their FAP groups. BEM 212 (July 2014), p. 8; BEM 255, p. 13. The client is removed from the FAP eligibility group for a minimum of one month and is not returned to the FAP group until the later of the month after cooperation or after serving the one-month disqualification. BEM 255, p. 15. Because the Department established Claimant was not in compliance with her child support reporting obligations in this case, the Department acted in accordance with Department policy when it removed Claimant as a disqualified member of her FAP group based on the child support noncooperation. Because Claimant's four children remained in her FAP group and the Department determined Claimant was eligible for \$649 in monthly FAP benefits, the maximum available to a FAP group with 4 qualified group members, the Department acted in accordance with Department policy in calculating the amount of Claimant's ongoing FAP benefits. RFT 260 (October 2014), p. 1; BEM 550 (February 2014), pp. 3-4; BEM 212 (July 2014), p. 8.

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 member of her FAP group and recalculated Claimant's monthly FAP benefits based a FAP group size of four.

DECISION AND ORDER

Claimant's request for hearing concerning her MA case is DISMISSED.

The Department's FAP decision is AFFIRMED.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **10/31/2014**

Date Mailed: **10/31/2014**

ACE / tlf

NOTICE OF APPEAL: A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

CC: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]