

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

**IN THE MATTER OF:**



Reg. No.: 14-003418  
Issue No.: 1011;3011  
Case No.: [REDACTED]  
Hearing Date: June 26, 2014  
County: WAYNE-DISTRICT 35

**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 telephone hearing was held on June 26, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearings Facilitator.

**ISSUE**

Did the Department properly close Claimant's Family Independence Program (FIP) case and reduce her Food Assistance Program (FAP) benefits on the basis that she failed to cooperate with child support reporting requirements?

**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 FIP and FAP benefits.
2. On May 19, 2014, the Department sent Claimant a Notice of Case Action informing her that effective June 1, 2014, her FIP case would be closed and her FAP benefits would be reduced on the basis that she failed to cooperate with child support requirements. (Exhibit 2)
3. On May 29, 2014, Claimant submitted a hearing request 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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.

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 (January 2014), p. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP and FIP 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 9. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for FAP and FIP. BEM 255, pp. 9-11.

In this case, on May 18, 2014, the Department and the Office of Child Support (OCS) placed Claimant in non-cooperation with child support requirements. (Exhibit 1). On May 19, 2014, the Department sent Claimant a Notice of Case Action informing her that effective June 1, 2014, her FIP case would be closed and her FAP benefits would be reduced on the basis that she failed to cooperate with child support requirements. (Exhibit 2). The Department stated that although Claimant did contact OCS to provide information about the absent father's identity, the information provided was insufficient and Claimant continued to be in non-cooperation. A representative from the OCS was not present for the hearing, therefore, additional information concerning Claimant's non-cooperation was not provided.

At the hearing, Claimant testified that she contacted the OCS and provided them with all of the information that she had on the child's father. Claimant stated that her child was conceived after a one night stand, that she met the father for the first time that night at a club and that she does not know anyone else who might know the father. Claimant

identified one man who was the father of her child and provided his name, age range, height, and a physical description on the record. Claimant further stated that she has attempted to locate the father via social networking sites, but has been unsuccessful.

Under the facts presented, the Department and the OCS has failed to establish that Claimant did not disclose all known information concerning the father and that she had additional information regarding the father's identity, thereby, making her ineligible for FIP and FAP benefits.

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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that Claimant was ineligible for FIP and FAP based on her non-cooperation with child support requirements.

### **DECISION AND ORDER**

Accordingly, the Department's FIP and FAP decisions are REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support sanctions that were placed on Claimant's FIP and FAP cases;
2. Reinstate Claimant's FIP case effective June 1, 2014;
3. Issue supplements to Claimant for any FIP benefits that she was entitled to receive but did not from June 1, 2014, ongoing;
4. Recalculate Claimant's FAP budget effective June 1, 2014, ongoing, including her as an eligible group member;
5. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not from June 1, 2014, ongoing; and
6. Notify Claimant of its decisions in writing.



**Zainab Baydoun**

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

Date Signed: **7/1/2014**

Date Mailed: **7/2/2014**

ZB / 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:

