

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-003937  
Issue No.: 3011  
Case No.: 118257210  
Hearing Date: [REDACTED]  
County: MACOMB-DISTRICT 20

**ADMINISTRATIVE LAW JUDGE:**

**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 July 7, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Hearing Facilitator, and [REDACTED], JET Case Manager.

**ISSUE**

Did the Department properly disqualify Claimant from her Food Assistance Program (FAP) group because of a failure to comply 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 benefits.
2. Claimant's FAP group consisted of Claimant, her minor child, and Claimant's mother.
3. Claimant's mother was the head of household for FAP purposes.
4. On April 14, 2014, the Department sent Claimant's mother a Notice of Case Action notifying her that effective May 1, 2014, Claimant was removed from the FAP group because she had failed to cooperate with child reporting obligations and the group's FAP benefits would decrease to \$347 for a household size of two.

5. On May 29, 2014, 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 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, as a preliminary matter, it is noted that the Department expressed concerns regarding the fact that Claimant requested the current hearing concerning her FAP benefits on a request for hearing that referenced the case number that corresponded to only her Family Independence Program (FIP) benefit case. The facts established that Claimant was a member of the FAP group in which her mother was the head of household and the FAP case had a different case number than Claimant's FIP case. Department policy provides that any adult member of the eligible group may request a hearing. BAM 600 (July 2014), p. 2. Because Claimant clearly requested a hearing concerning her disqualification from her FAP group and the Department understood and was able to respond to Claimant's hearing request, the hearing proceeded to address Claimant's concerns regarding her FAP case.

The Department testified that, because the Office of Child Support (OCS) indicated on the Department's computer system that Claimant was in noncompliance with her child support reporting obligations, it removed her as a member of her FAP group, leaving only her mother and minor child in the group, and reduced the household's monthly FAP benefits to \$347, which is the maximum FAP benefits available to a group with only two members. RFT 260 (December 2013), p. 1.

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 (January 2014), p. 1. If an individual fails, without good cause, to cooperate with child support reporting obligations, and OCS does not record a comply date on or before the timely hearing request date, that individual is disqualified from the FAP group until the later of one month or when she cooperates. BEM 255, pp. 12-14.

Cooperation is required in all phases of the process to establish paternity and obtain support and includes (i) contacting the support specialist when requested; (ii) providing all known information about the absent parent; (iii) appearing at the office of the prosecuting attorney when requested; and (iv) taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests). BEM 255, p. 9.

In this case, OCS did not participate in the hearing. Claimant denied receiving any written requests from OCS to provide information concerning her child's father and testified that she contacted OCS only after the Department had removed her from her FAP group. Because the Department failed to satisfy its burden of showing that OCS had properly notified Claimant of her child support reporting obligations, it cannot establish that she was in noncooperation. Therefore, the Department did not act in accordance with Department policy when it disqualified Claimant from her FAP group and reduced the group's benefits.

At the hearing, Claimant testified that she did not have any information concerning her child's father to provide OCS. Claimant is advised that if OCS properly advises her of her child support reporting obligations and she fails to provide the requested information, she may again be subject to disqualification from her FAP group.

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 did not act in accordance with Department policy when it disqualified Claimant from her FAP group and reduced the group's FAP benefits.

### **DECISION AND ORDER**

Accordingly, the Department's decision is 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 disqualification applied to Claimant's FAP case on or about April 12, 2014;
2. Recalculate Claimant's FAP group's FAP benefits for May 1, 2014 ongoing to include Claimant as a qualified member of the group; and

3. Issue supplements to Claimant for any FAP benefits she was eligible to receive but did not from May 1, 2104 ongoing.



**Alice C. Elkin**

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

Date Signed: **7/9/2014**

Date Mailed: **7/10/2014**

ACE / ttf

**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:

