

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

IN THE MATTER OF:

████████████████████
████████████████
████████████████

Reg. No.: 14-008142
Issue No.: 3011
Case No.: ██████████
Hearing Date: September 25, 2014
County: WAYNE-DISTRICT 19

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 four way telephone hearing was held on September 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ PATH Case Manager, and ██████████ Lead Worker from the Office of Child Support (OCS), who also appeared and testified.

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits on the basis that she failed to cooperate with child support 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 FAP benefits.
2. Claimant's FAP benefits were reduced effective August 1, 2014.
3. On July 31, 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 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 eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. 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. BEM 255, pp. 9-13.

In this case, Claimant was an ongoing recipient of FAP benefits. The OCS testified that on May 16, 2014, and June 15, 2014, it sent Claimant contact letters instructing her to contact the OCS to provide information regarding the noncustodial parent of her child. The OCS stated that because it did not receive any communications from Claimant, on July 12, 2014, it sent Claimant a non-cooperation notice informing her that she was found to be noncooperative with child support requirements and that her benefits could be impacted. The OCS further stated that an interview was conducted with Claimant on July 17, 2014; however, because Claimant could not provide any identifying information concerning the noncustodial parent, she continued to be in non-cooperation. The Department representative testified that Claimant's FAP benefits were reduced and she was disqualified as a FAP group member effective August 1, 2014, based on her failure to cooperate with child support requirements; however, the Notice of Case Action was not presented for review at the hearing.

At the hearing, Claimant testified that she contacted OCS and provided the information that she had on the father of her child in an attempt to resolve the issue with child support. Claimant stated that her son was conceived when she was in Chicago for her brother's graduation party and that at the party she was given a drink that caused her to black out. Claimant stated that she only had the one drink and that she does not remember anything that happened the night of the party. Claimant testified that she has contacted several friends and family members to get some information on what happened and who was at the party, however, everyone she contacted refused to provide her with any information. Claimant further stated that she did not have any other

sexual partners during the month before or after her son was conceived and that she does not know anyone who may be the father of her child.

Under the facts presented, the Department and the OCS failed to establish that Claimant had additional information regarding the father's identity that she failed to disclose, thereby, making her ineligible for FAP.

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 FAP benefits based on a non-cooperation with child support requirements.

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 sanctions that were placed on Claimant's cases;
2. Recalculate Claimant's FAP budget for August 1, 2014, ongoing, to include her as an eligible group member;
3. Issue FAP supplements to Claimant from August 1, 2014, ongoing; and
4. Notify Claimant of its decision in writing.



Zainab Baydoun

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

Date Signed: **10/2/2014**

Date Mailed: **10/2/2014**

ZB / cl

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]