

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-009631
Issue No.: 1011, 3011, 6011
Case No.: [REDACTED]
Hearing Date: September 16, 2014
County: Eaton County DHS

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 September 16, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself and her mother, [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included Hearing Facilitator [REDACTED] and CS Lead [REDACTED].

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program benefits and close her Family Independence Program and Child Development and Care Program because of a July 22, 2014 noncompliance status from the Office of Child Support?

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 Family Independence Program, Food Assistance Program, and Child Development and Care Program benefits.
2. On July 22, 2014, the Office of Child Support put Claimant in noncooperation status.
3. On August 4, 2014, Claimant was sent notice that her Family Independence Program and Child Development and Care Program were closing and that her Food Assistance Program benefits were being reduced.
4. On August 13, 2014, Claimant submitted a hearing request.

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

In this case Claimant had provided information on one of two possible fathers of her child. The first possibility was ruled out by medical testing. Claimant was again sent letters requesting identification of the second possible father. Claimant did respond the letters but indicated she did not have any specific facts or information that would help identify the second possible father.

Claimant testified that in early 2012 she broke up with a long term boyfriend and he was the first possible father she had identified. Claimant went on to testify that shortly after the breakup she had met a man at a bar and consensually engaged in a one night stand with him. Claimant testified that man was the second possible father. Claimant's event would entail meeting the man at a bar, spending at least a short amount of time talking to him before deciding to have sex with him, driving to a hotel in his car with him, spending enough time in the hotel room to have sex with him, and afterwards being driven back to the bar by him in order to get her car.

Both Claimant and the Office of Child Support records show that Claimant attended the Pre-Hearing Conference and reported: that the second possible father's name was [REDACTED] the name of the bar where she met him; and the hotel they went to. Additionally

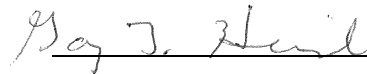
Claimant reported that she had asked at the bar and the hotel but did not receive any information.

Bridges Eligibility Manual (BEM) 255 Child Support (2014), states that cooperation includes providing all known information about the absent parent. Claimant's assertion that the only thing she found out about the second possible father was his first name. After considering the time and events that would occur in the consensual sexual encounter, Claimant's assertion of almost total ignorance about [REDACTED] is not credible.

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 reduced Claimant's Food Assistance Program benefits and closed her Family Independence Program and Child Development and Care Program because of a July 22, 2014 noncompliance status from the Office of Child Support.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



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

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

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

GFH / hj

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:

