

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

IN THE MATTER OF:

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

Reg. No.: 14-012850
Issue No.: 3011;6011
Case No.: ██████████
Hearing Date: November 26, 2014
County: Wayne-District 15

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 three way telephone hearing was held on November 26, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist and ██████████, Lead Specialist from the Office of Child Support.

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC) case and disqualify Claimant as a member from her Food Assistance Program (FAP) group thereby reducing her 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 FAP and CDC benefits.
2. On September 19, 2014, the Department sent Claimant a Notice of Case Action informing her that effective October 5, 2014, her CDC case would be closing and that effective October 1, 2014, her FAP benefits would be decreasing and she would be disqualified as a group member based on a failure to cooperate with child support requirements. (Exhibit 1)
3. On September 24, 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.

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.

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 (October 2014), p. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP and CDC 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 and CDC. BEM 255, pp. 9-13.

In this case, the OCS representative testified that on July 24, 2014, and August 23, 2014, it sent Claimant contact letters informing her to contact the OCS and provide identifying information concerning the father of her child, [REDACTED]. (Exhibit 2). The representative from OCS further stated that on or around August 22, 2014, and September 15, 2014, Claimant provided some information concerning the father of [REDACTED], indicating that the father's name was [REDACTED], that he lives in Houston and provided a physical description. Claimant did not provide any contact information however, such as a phone number or an address. The OCS testified that the information submitted by Claimant was insufficient to identify the absent parent and on September 19, 2014, a Noncooperation Notice was sent to Claimant informing her that she was determined to be non-cooperative with child support requirements and that her

cases with the Department could be impacted. (Exhibit 2). On September 19, 2014, the Department sent Claimant a Notice of Case Action informing her that effective October 5, 2014, her CDC case would be closing and that effective October 1, 2014, her FAP benefits would be decreasing and she would be disqualified as a group member based on a failure to cooperate with child support requirements. (Exhibit 1).

At the hearing, Claimant stated that contacted OCS and provided all of the information that she had on [REDACTED]. Claimant testified that she met him through Facebook and that during the course of one year, she spent about two months with him as she would travel to Houston to look for work but that she has not seen or spoken to him recently.

It was established at the hearing that during the course of its investigation and after the hearing was requested, OCS discovered that Claimant was married, but separated during the time the child was conceived. Claimant provided the identifying information about her husband [REDACTED] and confirmed that she was sexually involved with him and [REDACTED] at the time her child was conceived. Claimant did not inform OCS of her situation with [REDACTED] at the time she identified [REDACTED] as the father. The representative from OCS further testified that the information provided about [REDACTED] was sufficient and that effective November 20, 2014, Claimant was determined to be in cooperation with child support. (Exhibit 3).

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 because Claimant failed to disclose all known information concerning the identity of all possible fathers of her child at the time the information was requested, the Department acted in accordance with Department policy when it determined that Claimant was ineligible for FAP and CDC benefits prior to November 20, 2014.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.



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

Date Signed: **12/2/2014**

Date Mailed: **12/2/2014**

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 48909-8139

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]