

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-013393
Issue No.: 3001
Case No.: ██████████
Hearing Date: November 05, 2014
County: WAYNE (35)

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 5, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearing Facilitator, and ██████████, Lead Worker for the Office of Child Support (OCS).

ISSUE

Did the Department properly close Claimant's Food Assistance Program benefits for failure to verify and failure to cooperate with the OCS?

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 FAP recipient.
2. Claimant was placed in non-cooperation status with the OCS on March 26, 2009.
3. On August 11, 2014, the Department sent Claimant a Verification Checklist (VCL) requesting wage information, residential address information and instructing her to comply with the OCS.
4. On September 19, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would close effective October 1, 2014 for failure to cooperate with the OCS and failure to verify earned income.

5. On September 30, 2014, Claimant filed a Request for 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, Department policy holds that parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the OCS, the Friend of the Court (FOC) and the prosecuting attorney, to establish paternity and/or obtain support from an absent parent. BEM 225 (January 2014), p. 1. On March 26, 2009, the OCS placed Claimant in non-cooperation status for failure to cooperate. As a result, Claimant was excluded from the FAP group and was receiving FAP benefits in the amount of \$189.00 for a group size of one instead of two.

Further, Department policy allows the client 10 calendar days (or other time limit specified in policy) to provide the verification that is requested. BAM 130 (July 2014), p. 6. On August 11, 2014, the Department sent Claimant a VCL requesting wage information, residential address information and instructing her to comply with the OCS. Claimant testified that she submitted her wage information. The Department testified that it had no record of receipt of Claimant's wage information. As such, on September 19, 2014, the Department sent Claimant a Notice of Case Action notifying her that her FAP benefits would close effective October 1, 2014 for failure to cooperate with the OCS and failure to verify earned income. Claimant testified that she did not return her residential information but this was not a reason listed on the Notice of Case Action as to why Claimant's FAP benefits closed effective October 1, 2014.

The OCS testified that Claimant provided inconsistent statements which caused her to be placed in non-cooperation status. Claimant testified that she believed one of three men could be the father of her child. Claimant did not know the last name of two of the men but knew the first and last name of the third man. Claimant indicated that she obtained a private DNA test on the third man and reported that he had been excluded as a potential father. The OCS stated that it does not recognize private DNA tests.

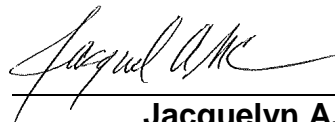
Further, the OCS indicated that it viewed Claimant's Facebook page and found two entries in which Claimant referred to the same man, not one of the three previously mentioned, as being the father of her child. Claimant testified that she had not been romantically involved with the man on her Facebook page at the time her child was conceived. Claimant acknowledged that she knew the man from the Facebook page in 2008, the year her child was conceived. The OCS testified that it utilized a tool at its disposal called Smart Link which revealed that the man on Claimant's Facebook page also resided in her home in 2008. Claimant denied the man ever lived in her home.

The undersigned does not make a credibility determination as to whether Claimant returned the wage information as her FAP benefits also closed because of her failure to cooperate with the OCS. It is found that Claimant has failed to cooperate with the OCS by failing to provide the contact information for the man on her Facebook page. Claimant held this person out as her child's father, at least for a period of time, while at the same time telling the OCS that she did not know the identity of the father of her child. Further, it is unclear why Claimant obtained a private DNA test for one of the potential fathers instead of providing his contact information to the OCS and allowing it to pursue paternity. Accordingly, it is found that the Department properly closed Claimant's FAP benefits effective October 1, 2014 for failing to cooperate with the OCS.

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 policy when it closed Claimant's FAP benefits effective October 1, 2014 for failure to cooperate with the OCS.

DECISION AND ORDER

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



Jacquelyn A. McClinton
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: **11/12/2014**

Date Mailed: **11/12/2014**

JAM / 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 48909-8139

CC:

[REDACTED]