

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 14-015298  
Issue No.: 3001, 3008  
Case No.: [REDACTED]  
Hearing Date: December 09, 2014  
County: Kent-District 1

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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 December 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], [REDACTED], [REDACTED], and [REDACTED] of the Office of Child Support.

**ISSUE**

Did the Department properly sanction the Claimant's Food Assistance Program (FAP) benefits for non-cooperation with 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. The Claimant is an ongoing Food Assistance Program (FAP) recipient.
2. On September 10, 2014, the Department determined that the Claimant did not have good cause for her failure to supply the Department with information about the absent parent of her child.
3. On September 15, 2014, the Department notified the Claimant that it would reduce her Food Assistance Program (FAP) group size to three and reduce her monthly allotment of benefits to \$ [REDACTED].
4. On October 22, 2014, the Department received the Claimant's request for a hearing protesting the reduction of her Food Assistance Program (FAP) due to a child support non-cooperation sanction.

## **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.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker 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 they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (October 1, 2014), pp 1-2.

Exceptions to the cooperation requirement are allowed for all child support actions except when the recipient fails to return assigned child support payments received after the support certification effective date. BEM 255, p2.

There are two types of good cause:

1. Cases in which establishing paternity/securing support would harm the child.
2. Cases in which there is danger of physical or emotional harm to the child or client. BEM 255, p 3-4.

The Claimant was an ongoing Food Assistance Program (FAP) recipient when the Department requested that she provide information about the absent parent of her child. The Claimant reported to the Department that she had good cause for failing to provide the Department with this information.

The Department determined that the Claimant did not have good cause and the Claimant failed to provide any additional information. On September 15, 2014, the Department notified the Claimant that it would reduce her Food Assistance Program (FAP) group size to 3, which resulted in a decrease of benefits to \$ [REDACTED] per month.


The Claimant argued that she is unable to provide any additional information concerning the absent parent and it unable to obtain any additional information due to problems she is having with acquaintances that may have additional information about this person.

This Administrative Law Judge finds that the Claimant is capable of further cooperation with the Office of Child Support. Making a claim of good cause suggest that the Claimant has additional information because otherwise there would be no basis to claim good cause. The Department's witness testified that the Claimant's version of her circumstances has not been consistent, first claiming good cause, then claiming that she cannot have contact with her acquaintances, then claiming that she has no additional information. The Department's witness testified that the Claimant failed to make a good faith effort to participate in interviews with the Office of Child Support when she hung up on an investigator and provided only limited information in subsequent interview.

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 sanctioned the Claimant's Food Assistance Program (FAP) benefits for non-cooperation with the Office of Child Support's efforts to identify the absent father.

### **DECISION AND ORDER**

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

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

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

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

KS/las

**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:

