

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

**IN THE MATTER OF:**

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

Reg. No.: 14-018470  
Issue No.: 3011, 6011  
Case No.: ██████████  
Hearing Date: February 11, 2015  
County: OAKLAND-4 (N SAGINAW)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 February 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant's Authorized Hearing Representative, ██████████ ██████████. The Claimant did not appear. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist. ██████████, Lead Child Support Specialist of the Office of Child Support, also appeared on behalf of the Department

**ISSUE**

Did the Department properly impose a noncooperation sanction closing Claimant's Child Development and Care (CDC), and removing her from her Food Assistance (FAP) group?

**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 was a recipient of CDC and FAP benefits for her adopted child, ██████████ and was found in noncooperation by the Office of Child Support based upon a noncooperation sanction imposed on September 18, 2014. The Department pursuant to the finding of noncooperation by the Office of Child Support removed the Claimant from her FAP group for noncooperation and closed the Claimant's CDC benefits.
2. Subsequently, on January 6, 2015, the Office of Child Support determined that its finding of noncooperation was in error and so advised the Department. Exhibit 1.

3. The Office of Child Support conceded that it incorrectly imposed a sanction due to noncooperation, as the Claimant's child was adopted and, therefore, no child support issue existed.
4. On January 9, 2015, the Department issued a Help Desk Ticket #0141199 so that the Claimant's CDC and FAP benefits could be reinstated and the sanction removed in Bridges, so that benefits could be supplemented from September 18, 2014 ongoing, due to the error.

### **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, in this case it was conceded by the Department and the Office of Child Support that a finding of noncooperation by the Office of Child Support should not have been issued under the facts of this case, and was issued in error from the beginning. The Claimant was a single adoptive mother of the child in question, and thus no issue could exist with respect to obtaining child support on behalf of the adopted child or absent parent.

The Office of Child Support issued a notice to the Department on January 6, 2015 advising the Department of the error and that the case was deemed by OCS as cooperative effective September 18, 2014, as this case was a single parent adoption, no child support action required. Exhibit 1

Based upon the evidence presented, it is determined that the Department is required to lift the noncooperation effective September 18, 2014, without the imposition of any disqualification month, as no sanction should have ever been applied in accordance with Department policy found in BEM 255, (10/1/14), p.1.

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 did not act in accordance with Department policy when it closed the Claimant's CDC benefits and removed the Claimant from her FAP group due to noncooperation with the Office of Child support.

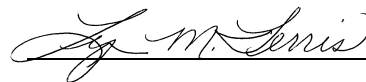
### **DECISION AND ORDER**

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. The Department shall process the help desk ticket #0141199, so that Claimant can receive her FAP and CDC benefits for the period beginning September 18, 2014.
2. The Department shall issue a supplement to the Claimant for FAP and CDC benefits which the Claimant is otherwise eligible to receive in accordance with Department policy.



**Lynn M. Ferris**  
Administrative Law Judge  
for Nick Lyon, Interim Director  
Department of Human Services

Date Signed: **2/13/2015**  
Date Mailed: **2/13/2015**  
LMF/tm

**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]