

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201413779
Issue No.: [REDACTED]
Case No.: [REDACTED]
Hearing Date: December 19, 2013
County: Macomb

ADMINISTRATIVE LAW JUDGE: Gary F. 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 December 19, 2013, from Lansing, Michigan. Claimant appeared and testified. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED]. Efforts to include someone from the Office of Child Support were unsuccessful.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP) beginning December 1, 2013, for failure to cooperate 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. On August 16, 2013, the Office of Child Support sent Claimant a First Customer Contact Letter regarding her daughter Joi Miller. The letter was sent to an old address.
2. On September 30, 2013, the Office of Child Support sent Claimant a Final Customer Contact Letter. This letter was sent to Claimant's current address.
3. On October 30, 2013, the Office of Child Support put Claimant in noncooperation status.

4. On October 31, 2013, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Food Assistance Program (FAP) benefits would be reduced because she failed to cooperate with the Office of Child Support.
5. On November 4, 2013, Claimant submitted a request for hearing.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

During this hearing Claimant testified that: [REDACTED] is now 15 years old; when she became pregnant with [REDACTED] she was living with [REDACTED]; she and [REDACTED] did a blood test and determined he was not [REDACTED] father; she had gone out on a one night stand with another man and he must be the father; all she knows about the other man is his first name, [REDACTED]; she only ever saw [REDACTED] the one time; and that she spoke to [REDACTED] at the Office of Child Support and told her the same thing.

The record contains a Supplemental Hearing Summary and packet submitted by the Office of Child Support. The summary states that private testing is not used for exclusion and Claimant can provide information about either [REDACTED] or the 2nd possible father to remove the non-cooperation.

It is noted that on the request for hearing Claimant wrote "I haven't seen her father since she [REDACTED] was 6 mos". Based on the discrepancy between Claimant's written statement and her testimony, her assertion that she does not know anything about [REDACTED] father 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 closed Claimant's Food Assistance Program (FAP) beginning December 1, 2013, for failure to cooperate with the Office of Child Support.

DECISION AND ORDER

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

/s/
Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 12/20/2013

Date Mailed: 12/23/2013

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

201413779/GFH

GFH/sw

cc:

