

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2014-35043  
Issue No.: 1011; 3011; 5011  
Case No.: [REDACTED]  
Hearing Date: May 22, 2014  
County: Calhoun-21

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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, telephone hearing was held on Thursday, May 22, 2014, from Lansing, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], ES and [REDACTED], OCS-LW.

**ISSUE**

Did the Department properly close Claimant's case for?

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)?       |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)?     | <input type="checkbox"/> Child Development and Care (CDC)?        |
| <input type="checkbox"/> Medical Assistance (MA)?                      | <input type="checkbox"/> Direct Support Services (DSS)?           |
| <input type="checkbox"/> Adult Medical Assistance (AMP)?               | <input checked="" type="checkbox"/> State Emergency Relief (SER)? |

**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 applied for:  
 FIP    FAP    MA    AMP    SDA    CDC    DSS    SER  
benefits.
2. The Department received a notice from the OCS through the Bridge's System that effective August 22, 2011 that the Claimant was in noncompliance with Child Support.

3. On April 11, 2014, the Department  denied Claimant's application  closed Claimant's case due to failure to cooperate with OCS to establish paternity.
4. On April 11, 2014, the Department sent Claimant/Claimant's Authorized Representative (AR) its decision.
5. On April 15, 2014, Claimant/Claimant's Authorized Hearing Representative (AHR) filed a hearing request, protesting 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), and Department of Human Services Reference Tables Manual (RFT).

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and by Mich Admin Code, R 400.7001 through R 400.7049. Department policies are found in the Department of Human Services State Emergency Relief Manual (ERM).

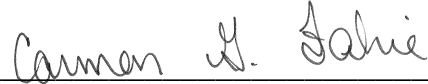
Additionally, the Claimant applied for FIP, SER, and FAP benefits of December 27, 2013. The OCS determined that the Claimant had been non-compliant on August 22, 2011 after numerous communications. Department Exhibit 1-2d. On January 10, 2014, May 21, 2014, and April 11, 2014, the Department Caseworker sent the Claimant a notice that her FIP, SER, and FAP application was denied due to the Claimant's failure to cooperate with establishing paternity or securing child support. Department Exhibit 3a-5b.

During the hearing, the Claimant stated that she had cooperated, but she did not know who her child's father. She went to a house party and had sex with someone. The OCS LW stated that the Claimant did not have good cause and was considered to still be in non-cooperation. The Department has met its burden that the Claimant is not in compliance with Child Support, which resulted in her FIP, SER, and FAP application being denied. ERM 203. BEM 255.

The Administrative Law Judge, based upon 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 when it denied the Claimant's FIP, SER, and FAP application due to non-compliance with Child Support.

**DECISION AND ORDER**

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



Carmen G. Fahie  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 9, 2014

Date Mailed: June 9, 2014

**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

CGF/nr

cc:

