

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-016331
Issue No.: 1011, 3011
Case No.: [REDACTED]
Hearing Date: December 23, 2014
County: OAKLAND-DISTRICT 2

ADMINISTRATIVE LAW JUDGE: Gary 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 23, 2014, from Lansing, Michigan. Participants on behalf of Claimant included herself. Participants on behalf of the Department of Human Services (Department) included FIM [REDACTED] and Lead CSS Worker [REDACTED].

ISSUE

Did the Department properly sanction Claimant's Family Independence Program and Food Assistance Program 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 September 13, 2014, Claimant was sent a First Customer Contact Letter (OCS0015) from the Office of Child Support.
2. On October 13, 2014, Claimant was sent a Final Customer Contact Letter (OCS0026) from the Office of Child Support.
3. On October 22, 2014, the Office of Child Support received a Child Support Information (DHS-842) form from Claimant.
4. On November 8, 2014, the Office of Child Support determined that the information provided by Claimant was insufficient and sent her a Noncooperation Notice (OCS1225A).
5. On November 12, 2014, Claimant was sent a Notice of Case Action (DHS-1605) which stated her Family Independence Program would end and her Food Assistance Program benefits were reduced.

6. On November 14, 2014, Claimant called the Office of Child Support and reported she did not have any additional information.
7. On November 18, 2014, Claimant submitted a hearing request

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101 to .3131.

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.

During this hearing Claimant testified that she met father of her child at a Christmas Party and they had a one night stand. Claimant also testified that and all she knows about him is that: he is black with black hair and brown eyes; he said his name was D. Johnson; his birthday is in September of 1967; and he is 6'1" tall and weighs 175 pounds. When asked, Claimant testified that the Christmas party in December 2013 and was a public party at a bar. Claimant also testified that she told him she was pregnant and he did not agree the child was his. Claimant also testified that the last time she spoke with him was in August 2014 when she telephoned him and invited him to the baby shower but he did not come. Claimant testified that the phone number she had for him is no longer in service.

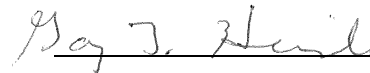
Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), *cert den*, 318 US 783 (1943).

Claimant's testimony shows that she had a valid telephone number for the father of her child for 8 months after she supposedly met him and had a one night stand. Claimant also testified that she told him she was pregnant and he did not agree it was his child. Claimant's assertion that she cannot provide any more definite information about the father of her child, is not found 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 sanctioned Claimant's Family Independence Program and Food Assistance Program for failure to cooperate with the Office of Child Support.

DECISION AND ORDER

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



Gary Heisler
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **1/12/2015**

Date Mailed: **1/12/2015**

GFH/hj

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.

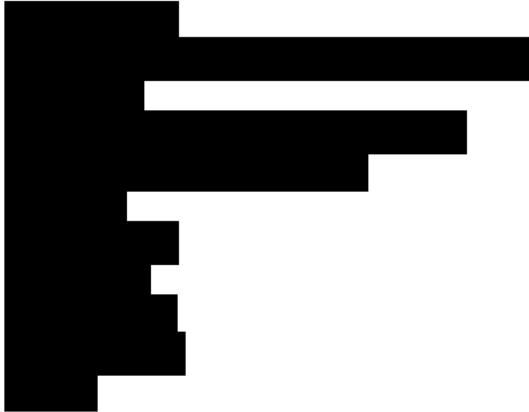
A written request may be faxed or mailed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088 and be labeled as follows:

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:

A large black rectangular redaction covers the recipient list for the 'cc:' field. The redaction is composed of several horizontal bars of varying lengths, suggesting a list of names and email addresses that has been completely obscured.