

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-019057
Issue No.: 2011, 3011
Case No.: [REDACTED]
Hearing Date: February 12, 2015
County: DICKINSON

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 February 12, 2015, from Lansing, Michigan. Participants on behalf of Claimant included AP Supervisor [REDACTED] Eligibility Specialist (ES) [REDACTED] and Office of Child Support Lead [REDACTED]. Participants on behalf of the Department of Human Services (Department) included herself and her friend [REDACTED].

ISSUE

Did the Department properly sanction Claimant's Medical Assistance and Food Assistance Program for noncooperation 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. Claimant was an ongoing recipient of Medical Assistance and Food Assistance Program benefits. Claimant is unwed.
2. On September 8, 2014, Claimant gave birth to her third son and named him Jameson Johnson.
3. On November 5, 2014, Claimant reported to the Office of Child Support that: she does not know who the father of her child is; during a shopping trip to Wisconsin, she was invited to a party by a girl she does not know, at a hotel; at the hotel she had a drunken, one-night stand with a man who is the father; and all she knows about the man is his nickname, [REDACTED].

4. On December 2, 2014, Claimant reported the same information to the Office of Child Support that: she does not know who the father of her child is; during a shopping trip to Wisconsin, she was invited to a party by a girl she does not know, at a hotel; at the hotel she had a drunken, one-night stand with a man who is the father; and all she knows about the man is his nickname, [REDACTED]. Claimant also reported she was worried about losing her medical assistance.
5. On December 6, 2014, the Office of Child Support issued Claimant a Noncooperation Notice (OCS1252A).
6. On December 9, 2014, Claimant was sent a notice that her Food Assistance Program benefits would decrease and she was not eligible for Medical Assistance due to noncooperation with the Office of Child Support.
7. On December 22, 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 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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

On November 5, 2014, Claimant reported to the Office of Child Support that: she does not know who the father of her child is; during a shopping trip to Wisconsin, she was invited to a party by a girl she does not know, at a hotel; at the hotel she had a drunken, one-night stand with a man who is the father; and all she knows about the man is his nickname, [REDACTED]. On December 2, 2014, Claimant reported the same information to the Office of Child Support.

During this hearing, [REDACTED] testified that: she was with Claimant that night; she, [REDACTED] did not get as drunk as Claimant; and she knows some information about the unidentified man. Page 8 of the Department's exhibit is a letter written by [REDACTED] on December 9, 2014 and submitted to the Department on December 15, 2014. In the letter, [REDACTED] asserts that: the unknown man invited them to the party; he said his name was [REDACTED]; that [REDACTED] said he was from Illinois; that [REDACTED] has short dirty blonde hair, was average height, was thin but muscular, had tattoos on both forearms, and had a tattoo on his left forearm that said [REDACTED]. [REDACTED] also wrote "I don't recall too much detail from that night but I am willing to answer any questions you might have."

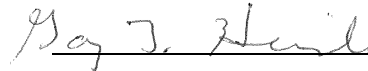
During this hearing, Office of Child Support Lead Worker [REDACTED] testified that information reviewed on a social media site makes her believe that [REDACTED], who Claimant is involved with, is the father of [REDACTED]. Claimant testified that [REDACTED] is not the father but is helping raise [REDACTED] and that [REDACTED] is going along with the ruse perpetrated on the social media site. Claimant chooses not to identify [REDACTED] as a potential father in order to let the State conduct DNA testing of him.

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 asserts she has provided everything she knows about the father of [REDACTED]. Based on the totality of the evidence in the record and the circumstances in this case, Claimant's assertion 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 Medical Assistance and Food Assistance Program for noncooperation 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: **2/25/2015**

Date Mailed: **2/25/2015**

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:

