

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-002967
Issue No.: 3011
Case No.: [REDACTED]
Hearing Date: April 1, 2015
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 April 1, 2015, from Detroit, Michigan. Participants included the above-named Claimant. Participants on behalf of the Department of Human Services (DHS) included [REDACTED], hearing facilitator, and [REDACTED] lead child support specialist with the Office of Child Support (OCS).

ISSUE

The issue is whether DHS properly disqualified Claimant from Food Assistance Program (FAP) due to Claimant's non-cooperation with OCS.

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 FAP benefit recipient.
2. Claimant was a member of a three person household which included Claimant's two children.
3. On [REDACTED], the OCS mailed Claimant a letter informing Claimant of the need to report information concerning the paternity of Claimant's youngest child.
4. On [REDACTED] the OCS mailed Claimant a second letter informing Claimant of the need to report information concerning the paternity of Claimant's youngest child.

5. On [REDACTED], the OCS mailed Claimant a letter informing Claimant that she was considered uncooperative in establishing paternity for her youngest child.
6. On an unspecified date, DHS imposed a child support sanction resulting in Claimant's FAP eligibility being based on a household size of 2 persons, effective October 2014.
7. On [REDACTED] Claimant requested a hearing to dispute the child support disqualification.

CONCLUSIONS OF LAW

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

Claimant requested a hearing to dispute her FAP eligibility. Claimant testimony indicated that her only dispute concerned the imposition of a child support disqualification.

Concerning FAP eligibility, the custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (10/2014), p. 1. For FAP benefits, failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. *Id.*, p. 13. The support specialist (i.e. OCS) determines cooperation for required support actions. *Id.*, p. 10.

An OCS specialist testified that OCS mailed two letters to Claimant requesting paternity information about her 5 year old child. Claimant did not respond to either letter. The OCS further testified that a third letter was mailed to Claimant. The third letter, dated [REDACTED] informed Claimant that she was considered uncooperative with child support.

Claimant's first contact with OCS came on [REDACTED] when she submitted an application for child support with OCS. Claimant's application listed a first name, no last name, for Claimant's child's father. Claimant followed-up with OCS on [REDACTED] via telephone. Claimant called and stated that she provided all known information about her child's father.

Claimant did not dispute any of the above evidence. Claimant essentially contended that she provided OCS with all known information concerning her child's father and that she should not have been disqualified for failing to cooperate with obtaining child support.

During the hearing, Claimant was asked multiple questions concerning her history with her child's father. Claimant provided a first and last name for her child's father. Claimant testified that she saw her child's father approximately 9 times before her child was born, mostly in restaurant settings. Claimant testified that she had no information concerning her child's father's address or workplace. Claimant testified that she had a telephone number for her child's father but lost it. Claimant managed to recall the make of car driven by her child's father.

Claimant did not provide a particularly credible set of circumstances concerning what she knows about her child's father. The circumstances were also not preposterously implausible. There was evidence indicating that Claimant knew more than she reported to DHS.

During the hearing, Claimant was asked why she did not previously report the name of her child's father. Claimant testified that she only recently remembered that her child's father had a tattoo of his first name on one wrist and his other wrist had a tattoo of a plausible last name. Claimant also testified that she was uncertain that the last name she stated was her child's father actual last name.

Claimant's failure to report a last name of her child's father to DHS until an administrative hearing is highly indicative of non-cooperation. It is found that Claimant was uncooperative with establishing paternity for her youngest child. Accordingly, DHS properly determined Claimant's FAP eligibility based on a benefit group that excluded Claimant.

It should be noted that Claimant is only found to be uncooperative through the date of Claimant's hearing request based on Claimant's failure to report a last name for her child's father. Claimant could conceivably be found cooperative as of the date of hearing based on her reporting of her child's father's last name.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly disqualified Claimant for child support disqualification concerning Claimant's FAP eligibility.

The actions taken by DHS are **AFFIRMED**.



Christian Gardocki
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **4/8/2015**

Date Mailed: **4/8/2015**

CG / hw

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