

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-006734
Issue No.: 3011
Case No.: [REDACTED]
Hearing Date: June 10, 2015
County: Oakland (3) Southfield

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 10, 2015, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of Health and Human Services (Department) included [REDACTED], Eligibility Specialist and Hearing Facilitator, and [REDACTED], Oakland County Prosecutor's Office.

ISSUE

Did the Department properly reduce Claimant's Food Assistance Program (FAP) benefits based on non-cooperation with child support requirements?

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 a member of a FAP group that receives ongoing benefits.
2. Claimant's FAP group was receiving a monthly allotment of \$ [REDACTED]
3. Claimant was found to be in non-compliance with the Office of Child Support (OCS) effective March 4, 2015.
4. On April 14, 2015, a Notice of Case Action was issued to Claimant stating FAP was approved with a monthly allotment of \$ [REDACTED] effective April 1, 2015. The notice indicated that Respondent was not eligible based on non-cooperation with child support requirements.

5. On April 23, 2015, Claimant filed a hearing request contesting the Department's determination.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

Cooperation with child support requirements is a condition of eligibility for FAP. Failure to cooperate without good cause results in disqualification. BEM 255, (October 1, 2014).

A client can claim good cause for non-compliance with child support requirements. Good cause is granted only when both of the following are true: (1) requiring cooperation/support action is against the child's best interests, and (2) there is a specific good cause reason. One of the two types of good cause is cases in which there is danger of physical or emotional harm to the child or client. BEM 255, pp. 2-4.

If a client claims good cause, both the client and the Support Specialist must sign the DHS-2168, Claim of Good Cause - Child Support. The client must complete Section 2, specifying the type of good cause and the individual(s) affected. BEM 255, pp. 4 and 6-7.

To prevent any support action while the good cause claim is pending, the Support Specialist is to enter good cause status and claim date in the absent parent logical unit of work and file the DHS-2168 in the case within two working days of completion. A claim may be made at any time. The FIS/ES specialist is responsible for determining if good cause exists. Do not deny an application or delay program benefits just because a good cause claim is pending. BEM 255, p. 4 and 7.

A good cause claim must do all of the following: (1) specify the reason for good cause, (2) specify the individuals covered by it, and (3) be supported by written evidence or documented as credible. BEM 255, pp. 4-5.

In this case, the Department reduced the FAP group's benefits based upon Claimant being found to be in non-compliance with the OCS effective March 4, 2015. The

Oakland County Prosecutor's Office asserted that Claimant failed to follow through with appointments and paperwork.

Claimant explained the circumstances since she was forced to leave home in November 2014 due to domestic violence. Claimant testified that the Department was aware of her situation; for example, there was a State Emergency Relief (SER) interview at a local Department office in Southfield. Claimant stated she requested a good cause form and received it during the first part of February 2015. Claimant testified she filed the good cause form in early March 2015 by faxing it to the Department at the area code 517 number that all documents are to be faxed to. Claimant explained that she sends faxes from a Michigan Works office, and their fax machine only prints a transmission confirmation if the fax does not go through.

The Eligibility Specialist confirmed that the Department now requires all faxes to be sent to an area code 517 number. However, Claimant's electronic case management file does not show that a Claim of Good Cause form was submitted.

The evidence was not sufficient to establish that Claimant successfully submitted a DHS-2168, Claim of Good Cause - Child Support form or complied with child support requirements. Accordingly, the Department's determination to reduce the FAP benefits due to Claimant being ineligible based on non-cooperation with child support requirements must be upheld.

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 reduced Claimant's FAP benefits based on non-cooperation with child support requirements.

DECISION AND ORDER

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



Colleen Lack
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Mailed: **6/12/2015**

CL / jaf

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 copy of the claim or application for appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Hearing Decision from 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:

