

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

IN THE MATTER OF:

[REDACTED]

MAHS Reg. No.: 15-015956
Issue No.: 3011
Agency Case No.: [REDACTED]
Hearing Date: October 26, 2015
County: Wayne (76) Gratiot/7 Mile

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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 three-way telephone hearing was held on October 26, 2015, from Detroit, Michigan. The Petitioner was represented by the Petitioner, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist; and [REDACTED], Hearing Facilitator. [REDACTED], Child Support Specialist and Lead Worker of the Office of Child Support (OCS) also appeared as a witness.

ISSUE

Did the Department properly reduce the Petitioner's Food Assistance Program (FAP) benefits due to noncooperation with the 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. The Petitioner was an ongoing recipient of FAP benefits.
2. On July 9, 2015, the Department issued a Notice of Case Action, which reduced the Petitioner's FAP benefits, removing Petitioner from the FAP group due to noncooperation with the Office of Child Support (OCS). Exhibit D.
3. The OCS sent the Petitioner a First Customer Contact Letter dated June 4, 2014, requesting that she contact OCS to provide information about the father of her child. Exhibit A.

4. The OCS sent a Final Customer Contact Letter to the Petitioner on July 4, 2014, requesting she provide information about the father of her child. Exhibit B.
5. The Petitioner provided the OCS the following information regarding the possible father of her child: first name, [REDACTED] birth date, [REDACTED]; met on [REDACTED] social network site; a phone number; drove a four-door [REDACTED] and that he lived in [REDACTED].
6. At the hearing, Petitioner advised that she had another sexual partner tested, [REDACTED], whose DNA did not match her child. She provided [REDACTED] address as [REDACTED].
7. On July 30, 2015, the OCS sent a Noncooperation Notice for failure to respond to the OCS's request for information. Exhibit C.
8. The Petitioner requested a timely hearing on August 25, 2015, protesting the Department's actions.

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.

In this case, the Department reduced the Petitioner's Food Assistance benefits after she was found in noncooperation by OCS. The OCS issued a Noncooperation Notice on July 30, 2014; but the Department did not reduce Petitioner's FAP benefits until July 2015. Exhibits C and D. The information provided by the Petitioner was insufficient to allow the OCS to locate the potential father. The phone number provided by Petitioner did not turn out to match the name ([REDACTED]) she had given the Department. The Petitioner could remember the Petitioner's car the evening they met as a four-door [REDACTED] but could not remember the address or street where the man she had sex with and who she believed might be the father of her child lived. Petitioner also testified that she did not know the last name of the man. The Petitioner also gave OCS a birth date and [REDACTED], as where he lived but did not know the street or number. The Petitioner also stated she met the man on a social networking site called [REDACTED]. She never checked to see if he still was listed on

the site to see if she could find him. The Petitioner stated she had sex only one time with this man.

The Department philosophy regarding child support is set forth in policy which provides:

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255, (April 1, 2015) p. 1

COOPERATION

FIP, CDC Income Eligible, MA and FAP

Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.

Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings

The issue in this case is whether the OCS correctly determined that the Petitioner was in noncooperation when it issued its Notice of Noncooperation on July 30, 2014. Exhibit C.

At the hearing, Petitioner reported that she saw the potential father about one month ago as she was taking her son to school and had a conversation with the man. He was driving a [REDACTED] bus at the time of their meeting and got off the bus to speak with her.

The man expressed interest in having sex with Petitioner again. At the meeting, the Petitioner did not ask the man his last name or other identifying information or get the number of the bus he was driving. Petitioner also claimed to have told the man that he was the father of her child. This information was not reported to OCS until the hearing.

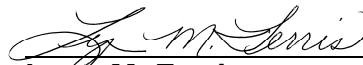
Based upon the testimony of the Petitioner, it is determined that she did not cooperate with the OCS for the reasons the Petitioner did not attempt to follow up with the web site where she met the man, does not appear to have looked for the street where the man was living, and did not review the web site to determine if she could find his whereabouts again. The Petitioner also advised the OCS for the first time at the hearing that another individual who could have been the father of the child was DNA tested and was not the father. The Petitioner provided the man's name and address. This individual has never been interviewed by OCS as the Petitioner withheld the information.

In addition, after meeting with the man ([REDACTED]) one month ago, she never reported to the OCS that the man worked for [REDACTED] and during the conversation, did not attempt to get any further information even when the man asked if they could have sex again. The Petitioner did not fulfill her obligations to report known facts about the potential father of her child as required by Department policy; and overall, her story regarding the facts did not add up as credible. If the new information reported at the hearing allows OCS to determine and identify the identity of the potential father, then OCS will act in accordance with Department policy and determine cooperation if appropriate.

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 found the Petitioner in Noncooperation with the Office of Child Support.

DECISION AND ORDER

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



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

Date Mailed: **10/28/2015**

LMF/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:

