

**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.: 15-020875
Issue No.: 3011
Agency Case No.: [REDACTED]
Hearing Date: January 04, 2016
County: WAYNE-DISTRICT 31

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 January 4, 2016, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payment Supervisor and [REDACTED], Lead Worker with the Office of Child Support (OCS).

ISSUE

Did the Department properly determine that Petitioner was ineligible for Food Assistance Program (FAP) benefits on the basis that she failed to cooperate with child support reporting 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. Petitioner was an ongoing recipient of FAP benefits.
2. On [REDACTED], the OCS placed Petitioner in noncooperation with child support requirements. (Exhibit A, p. 2)
3. On [REDACTED], Petitioner was placed back into cooperation with child support requirements, as it was established that she did not receive the contact letters from the OCS. (Exhibit A, p. 2)

4. On [REDACTED], the OCS sent Petitioner a First Customer Contact Letter instructing her to contact OCS within 21 days to provide information on the non-custodial parent of her child, Child A (Male, DOB: June 22, 2011). (Exhibit A, pp. 6-7)
5. On [REDACTED], the OCS sent Petitioner a Final Customer Contact Letter instructing her to contact OCS within 14 days to provide information on the non-custodial parent of Child A. (Exhibit A, pp. 24-25)
6. On [REDACTED], OCS issued a Noncooperation Notice placing Petitioner in noncooperation with child support requirements, as she did not respond to the First and Final contact letters. (Exhibit A, p. 30)
7. On [REDACTED], the Department sent Petitioner a Notice of Case Action informing her that effective [REDACTED], her FAP benefits would be reduced to \$130 and her group size decreased to two, as it determined she was ineligible for FAP on the basis that she failed to cooperate with child support requirements. (Exhibit A, p. 3-5)
8. On [REDACTED], Petitioner requested a hearing disputing 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.

Additionally, the custodial parents 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. Absent parents are required to support their children. Support includes **all** of the following: child support, medical support and payment for medical care from any third party. BEM 255 (April 2015), pp. 1,9. A client's cooperation with paternity and obtaining child support is a condition of FAP eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish

paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p 9. For ongoing or active FAP cases, a failure to cooperate without good cause will result in member disqualification of the individual who failed to cooperate. BEM 255, p. 14.

In this case, the Department testified that Petitioner was previously placed in noncooperation with child support requirements on [REDACTED], and that because it was established that she did not receive the contact letters from OCS, she was placed in compliance on [REDACTED], and given a second opportunity to respond to the OCS's request for information. The OCS representative testified and presented documentation to establish that on [REDACTED], and [REDACTED], it sent Petitioner contact letters instructing her to provide information on the absent parent of her child. Because no contact was made by Petitioner, a Noncooperation Notice was issued on [REDACTED]. The Department notified Petitioner of her disqualification from the FAP group and the reduction of her FAP benefits effective [REDACTED], by sending her a Notice of Case Action. At the hearing, the representative from the OCS stated that it did not receive any communication from Petitioner until [REDACTED]. During the [REDACTED] interview, Petitioner initially informed the OCS that she could not provide a name or any information on the absent parent because she had multiple partners. Later in the interview, Petitioner stated to OCS that the only possible father was [REDACTED] who had been excluded years ago after OCS conducted a DNA test. Further during her interview, Petitioner changed her story again and told the OCS representative that she was not having sex during the time period of conception and did not know the date of conception. OCS determined that because Petitioner did not provide any identifiable information, she was in noncooperation with child support requirements.

At the hearing, Petitioner stated that she does not recall when or where her child was conceived, as she was on birth control at the time and did not know she was pregnant until she was three months along. Petitioner then testified that two DNA tests were done on two possible fathers and it was determined that both were not the father of her child. Petitioner stated that one of the possible fathers was [REDACTED], whom was previously excluded by OCS and the second man was named [REDACTED]. Petitioner stated that she had a private DNA test done years ago with [REDACTED] the results of which concluded he was not the father. Petitioner stated that she does not have any information on [REDACTED] including a last name, date of birth or address. Petitioner did not provide a physical description and stated that she does not recall the location of where the DNA test was done other than to state it was somewhere on [REDACTED]. Petitioner confirmed that she did not inform OCS that [REDACTED] was a possible father and did not provide the OCS with any of the information concerning the private DNA test that she had done.

Under the facts in this case, because it was established that Petitioner had additional information on a possible absent parent that she failed to disclose to the Department

and to OCS, the Department properly determined that Petitioner was ineligible for FAP on the basis that she failed to comply with child support requirements.

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 Petitioner's FAP benefits and disqualified her as a FAP group member effective October 1, 2015.

DECISION AND ORDER

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



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

Date Signed: **1/11/2016**

Date Mailed: **1/11/2016**

ZB / 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 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:

