



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 25, 2016
MAHS Docket No.: 16-005260
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on May 18, 2016, from Lansing, Michigan. The Petitioner was represented by herself and her mother, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator, [REDACTED], Eligibility Specialist, and [REDACTED], Senior Child Support Specialist.

ISSUE

Did the Department properly reduce the Petitioner's Food Assistance Program (FAP) benefits, deny the Petitioner's application for Family Independence Program (FIP) and State Emergency Relief (SER) for heat and electric due to noncooperation with the Office of Child Support (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 a recipient of FAP benefits.
2. On April 15, 2016, the Petitioner applied for FIP and SER for heat and electric. Department Exhibit 7-23.

3. On April 15, 2016, the Petitioner was informed during a phone interview that she was not in cooperation with OCS effective April 9, 2016, which could affect her benefits. Department Exhibit 6.
4. On April 18, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action.
5. On April 19, 2016, the SER application was denied due to noncooperation with the OCS. Department Exhibit 25-28.
6. On April 28, 2016, the Petitioner's FIP application was denied and her FAP benefits were reduced from a group size of 2 to 1, due to noncooperation with the OCS. Department Exhibit 29-34.
7. On April 29, 2016, a meaningful prehearing conference was held with the Department and the OCS. OCS requested additional medical information from the Petitioner since she was claiming a mental impairment. Department Exhibit 63-64.

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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, the Petitioner was a recipient of FAP benefits. On April 15, 2016, the Petitioner applied for FIP and SER for heat and electric. Department Exhibit 7-23. On April 15, 2016, the Petitioner was informed during a phone interview that she was not in

cooperation with OCS effective April 9, 2016, which could affect her benefits. Department Exhibit 6. On April 18, 2016, the Department received a hearing request from the Petitioner, contesting the Department's negative action. On April 19, 2016, the SER application was denied due to noncooperation with the OCS. Department Exhibit 25-28. On April 28, 2016, the Petitioner's FIP application was denied and her FAP benefits were reduced from a group size of 2 to 1, due to noncooperation with the OCS. Department Exhibit 29-34. On April 29, 2016, a meaningful prehearing conference was held with the Department and the OCS. OCS requested additional medical information from the Petitioner since she was claiming a mental impairment. BEM 255. BAM 600.

During the hearing, the OCS stated that they are willing to reconsider if the Petitioner submits a statement from her mental health provider about her mental impairments of her mental health issues and memory loss. She has provided different and conflicting statements about the paternity of her child. The Petitioner has not provided the required verifications for OCS to reconsider her noncooperation. This Administrative Law Judge finds that the Department was reasonable in asking the Petitioner to provide medical documentation to support her claim of mental impairment.

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 denied the Petitioner's application for SER and FIP and reduced her FAP benefits due to noncooperation with OCS.

DECISION AND ORDER

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



CF/las

Carmen G. Fahie
Administrative Law Judge
for Nick Lyon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[Redacted]

[Redacted]

Department Representative

[Redacted]

Petitioner

[Redacted]