



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: September 27, 2016  
MAHS Docket No.: 16-011785  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 September 19, 2016, from Detroit, Michigan. Petitioner appeared and was unrepresented. The Michigan Department of Health and Human Services (MDHHS) was represented by [REDACTED], hearing facilitator, [REDACTED], specialist, and [REDACTED], lead support specialist from the Office of Child Support (OCS).

**ISSUE**

The issue is whether MDHHS properly determined Petitioner's Food Assistance Program (FAP) eligibility for July 2016 and August 2016.

**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 FAP benefit recipient, along with 2 minor children.
2. On [REDACTED], MDHHS requested paternal information for one of Petitioner's children.
3. On [REDACTED], MDHHS again requested paternal information for one of Petitioner's children.

4. On [REDACTED] MDHHS determined Petitioner was uncooperative with obtaining child support for one of her children.
5. On [REDACTED], MDHHS determined Petitioner was eligible to receive FAP benefits, effective July 2016, in part, based on a FAP group of 2 persons.
6. As of [REDACTED], Petitioner failed to inform MDHHS of her child's paternity.
7. On [REDACTED], Petitioner made her first contact with the OCS.
8. On [REDACTED], Petitioner verbally requested a hearing to dispute FAP eligibility.

### **CONCLUSIONS OF LAW**

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. MDHHS (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. MDHHS policies are contained in the Bridges Administrative Manual (BAM), Bridges Eligibility Manual (BEM), and Reference Tables Manual (RFT).

Petitioner verbally requested a hearing to dispute FAP eligibility. MDHHS did not document the details of Petitioner's dispute. Petitioner testimony conceded she disputed her FAP eligibility from July 2016. Petitioner testimony conceded she did not dispute her FAP eligibility from September 2016. Thus, only Petitioner's FAP eligibility from July and August 2016 will be evaluated. Petitioner only disputed her disqualification as a group member. It was not disputed MDHHS disqualified Petitioner due to child support noncooperation.

[For FAP benefits,] 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 (April 2015), p. 1. Cooperation is a condition of eligibility. *Id.*, p. 9. Cooperation is required in all phases of the process to establish paternity and obtain support. *Id.* It includes all of the following (see *Id.*):

- 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 or obtaining genetic tests).

MDHHS presented a First Customer Contact Letter (Exhibit 1, pp. 4-6) addressed to Petitioner and dated [REDACTED]. The letter requested paternal information concerning one of Petitioner's children.

MDHHS presented a "Final Customer Contact Letter" (Exhibit 1, pp. 7-9) addressed to Petitioner and dated [REDACTED]. The letter advised Petitioner that paternal information for one of her children was still needed.

MDHHS presented a Noncooperation Notice (Exhibit 1, pp. 10-11) addressed to Petitioner and dated [REDACTED]. The letter informed Petitioner she was now deemed unresponsive in obtaining child support.

MDHHS presented a Notice of Title IV-D Child Support Case Closure (Exhibit 1, p. 12) addressed to Petitioner and dated [REDACTED]. The letter warned Petitioner her "child support case" would close for 60 days due to Petitioner's lack of cooperation in identifying her child's father.

MDHHS contended Petitioner failed to contact OCS until [REDACTED]. Presented evidence suggested Petitioner's reporting was insufficient to identify Petitioner's child's father, however, a few days later Petitioner provided information that was sufficient to identify and/or locate her child's father. Based on Petitioner's reporting, MDHHS ended the child support disqualification.

Petitioner responded that she contacted the OCS before August 2016. Petitioner testified she recalled providing paternal information on a form included with one of the letters from the OCS; Petitioner testified she recalled mailing the form to either her local MDHHS office or the OCS in or before June 2016. Petitioner's testimony must be evaluated for its credibility to determine if she was cooperative before August 2016.

In response to Petitioner's testimony, the hearing facilitator was asked to check Petitioner's document submission history. The hearing facilitator testified she saw no indication of Petitioner's submission. The lead OCS specialist testified that Petitioner's case notes did not indicate a submission of Petitioner's child's paternal information.

Petitioner's testimony would have been bolstered had she provided details of her submission in her hearing request. As it happened, Petitioner did not submit a hearing request.

Petitioner's testimony was also harmed by her apparent neglect in disputing the alleged injustice. It was not disputed the OCS mailed Petitioner 4 letters, and MDHHS mailed Petitioner a benefit reduction letter. If Petitioner had complied early in the process, it is curious that Petitioner did not contact MDHHS or the OCS to inquire why they were still sending letters when she had already complied. If Petitioner complied later in the disqualification process, it must be wondered why Petitioner did not follow-up on her correspondence, knowing that she had been neglectful to that point.

Based on presented evidence, it is found MDHHS properly determined Petitioner to be uncooperative with obtaining child support as of [REDACTED]. It is further found Petitioner did not become cooperative until August 2016.

Failure to cooperate without good cause results in disqualification. *Id.*, p. 2. Disqualification includes member removal, as well as denial or closure of program benefits... *Id.* As Petitioner was uncooperative with obtaining child support, it is found MDHHS properly disqualified Petitioner from FAP eligibility for July 2016 and August 2016.

### **DECISION AND ORDER**

The administrative law judge, based upon the above findings of fact and conclusions of law, finds that MDHHS properly disqualified Petitioner from FAP eligibility for the months of July 2016 and August 2016. The actions taken by MDHHS are **AFFIRMED**.

CG/hw



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**Christian Gardocki**  
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]