



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR



Date Mailed: October 19, 2016
MAHS Docket No.: 16-013260
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Gary Heisler

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 October 13, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Lead Child Support Specialist [REDACTED] [REDACTED] and Eligibility Specialist [REDACTED] [REDACTED]. Testimony was received from all participants. Department's Exhibit A, pages 1 -16 was admitted into evidence.

ISSUE

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) for failure to cooperate with the Office of Child Support on August 25, 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 recipient of Food Assistance Program (FAP) benefits.
2. On August 4, 2016, the Office of Child Support sent Petitioner a First Customer Contact Letter (OCS0015). The letter informed Petitioner that she was required to provide information about her child's absent parent to the Office of Child Support within 10 days.
3. On August 14, 2016, the Office of Child Support sent Petitioner a Final Customer Contact Letter (OCS0025). The letter informed Petitioner that she was required to

provide information about her child's absent parent to the Office of Child Support by August 22, 2016.

4. On August 18, 2016, Petitioner spoke with a Child Support Specialist at the Office of Child Support and provided some information about her child's absent parent. The Office of Child Support determined that the information was not verifiable.
5. On August 23, 2016, the Office of Child Support placed Petitioner in non-cooperation status and sent her a Non-Cooperation Notice (OCS1252A).
6. On August 25, 2016, Petitioner was sent a Notice of Case Action (DHHS-1605) which stated her Food Assistance Program (FAP) benefit group was being reduced by one (herself) due to the non-cooperation status.
7. On September 6, 2016, Petitioner spoke with another Child Support Specialist at the Office of Child Support and provided some different information about her child's absent parent. The Office of Child Support determined that the information was not verifiable. The Office of Child Support also determined that Petitioner's assertion, that she did not know the identity of the absent parent, was not credible.
8. On September 12, 2016, Petitioner submitted a hearing request for her Food Assistance Program (FAP) reduction.

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.

Bridges Eligibility Manual (BEM) 255 Child Support provides that Food Assistance Program (FAP) eligibility, requires that a custodial parent must comply with all requests for action or information needed to establish paternity and/or child support on behalf of children for whom they receive assistance. The only exception contained in the policy is the granting good cause for the non-cooperation. The policy goes on to provide that the Child Support Specialist determines cooperation for required support actions.

The Michigan IV-D Child Support Manual, Chapter 2, provides:

2.3 What Defines Noncooperation?

Noncooperation exists when the CP does not respond to a request for action or does not provide information, and the process to establish paternity and/or a child support order cannot move forward without the CP's participation. A CP is in noncooperation with the IV-D program when the CP, without good cause, willfully and repeatedly fails or refuses to provide information and/or take an action needed to establish paternity or to obtain child support or medical support.

Petitioner asserts that she does not know who the father of her child is and has no verifiable information about his identity.

In this case Child Support Specialist [REDACTED] determined that Petitioner was non-cooperative on August 18, 2016. On September 6, 2016, Child Support Specialist [REDACTED] reviewed the information previously provided to CSS [REDACTED] along with additional information provided by Petitioner. CSS [REDACTED] also determined that Petitioner was non-cooperative.

The information recorded by both CSS [REDACTED] and CSS [REDACTED] appear on pages 3 & 4 of the Department's Exhibit A. The information was read during the hearing. Petitioner testified that: her memory of the evening is hazy; that she thinks the man drugged her because she only had one drink; that she was taken advantage of; and that she did not report the incident to the police.

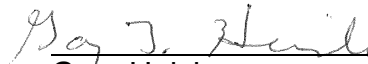
There are many contradictions between the information recorded by the two Child Support Specialists. Petitioner accounts for the contradictions as the difference in what each Child Support Specialist asked and expected to hear. It is noted that Child Support Specialists are trained for, and spend many hours, speaking with people on the telephone for the purpose of obtaining information about the events and persons involved in the conception of a child who is receiving public assistance. Recorded information which Petitioner did not dispute is: she went to a Café alone after work; the man was alone; the man was [REDACTED]; she approached him after hearing him speaking [REDACTED]; and she went to a hotel room with him.

After considering the evidence in this record, Petitioner's assertion about the conception are not found to be credible. 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 Food Assistance Program (FAP) for failure to cooperate with the Office of Child Support on August 25, 2016.

DECISION AND ORDER

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

GH/nr



Gary Heisler
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]

[REDACTED]

[REDACTED]

[REDACTED]

Petitioner

[REDACTED]