



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: December 16, 2016
MAHS Docket No.: 16-015246
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 November 16, 2016, from Lansing, Michigan. Petitioner was represented by herself. The Department was represented by Hearing Facilitator [REDACTED]. The [REDACTED] County Prosecuting Attorney's Office was represented by [REDACTED]. Department's Exhibit A, pages 1-20 was admitted into evidence.

ISSUE

Did the Department properly sanction Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) beginning November 1, 2016 for non-cooperation with the Oakland County Prosecuting Attorney's Office, in establishing child support?

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 Family Independence Manager and Food Assistance Program (FAP) benefits.
2. On August 30, 2016 the [REDACTED] County Prosecuting Attorney's Office sent Petitioner a questionnaire that had to be completed and returned by September 9, 2016. Department's Exhibit A page 16.
3. On September 12, 2016 the [REDACTED] County Prosecuting Attorney's Office had not received the required information from Petitioner. A final notice was sent to

Petitioner. The notice stated that the required information had to be received by September 22, 2016 to avoid termination or reduction of public assistance. Department's Exhibit A page 17.

4. On September 26, 2016, the [REDACTED] County Prosecuting Attorney's Office had not received the required information from Petitioner. The [REDACTED] County Prosecuting Attorney's Office placed Petitioner in non-cooperation status and sent her a Non-Cooperation Notice. Department's Exhibit A page 20.
5. On September 26, 2016, the BRIDGES computer program sent Petitioner a Notice of Case Action (DHHS-1605) which stated her Family Independence Program (FIP) would close beginning November 1, 2016 and that her Food Assistance Program (FAP) benefits would be decreased beginning November 1, 2016 due to her failure to cooperate in establishing paternity or securing child support. Department's Exhibit A pages 9-13.
6. On October 7, 2016, Petitioner submitted a hearing request. The hearing request included a copy of the Non-Cooperation Notice sent to her by the [REDACTED] County Prosecuting Attorney's Office. Department's Exhibit A pages 1-8.

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.

During this hearing Petitioner testified that she was evicted on October 13, 2016. Petitioner also asserted that she sent in the questionnaires and cooperated. It appears that she did cooperate with the Department's Office of Child Support. That is the reason the case was forwarded to the [REDACTED] County Prosecuting Attorney's Office. Cooperation status requires complying with both the Department's Office of Child Support and the [REDACTED] County Prosecuting Attorney's Office. The evidence in this

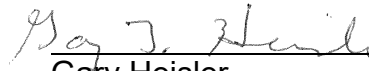
record shows that Petitioner did not cooperate with the [REDACTED] County Prosecuting Attorney's Office.

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 sanctioned Petitioner's Family Independence Program (FIP) and Food Assistance Program (FAP) beginning November 1, 2016 for non-cooperation with the [REDACTED] County Prosecuting Attorney's Office.

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]

Department Representative

[REDACTED]

Petitioner

[REDACTED]