



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: January 13, 2017
MAHS Docket No.: 16-018098

[REDACTED]
[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 January 5, 2017, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearings Facilitator, [REDACTED] [REDACTED], Eligibility Specialist, and [REDACTED], Lead Support Specialist from the Office of Child Support.

ISSUE

Did the Department properly determine that the Petitioner was not eligible for Food Assistance Program (FAP) benefits because she failed to cooperate 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. On October 1, 2016, the OCS sent the Petitioner a First Contact Letter, OCS-0015, for the Petitioner to cooperate in establishing paternity and support. Department Exhibit 2, pgs. h-i.
2. On October 10, 2016, the OCS sent the Petitioner a Final Contact Letter, OCS-0025, for the Petitioner to cooperate in establishing paternity and support and if the information was not provided by October 18, 2016 that she would be found

uncooperative with OCS that may result in a decrease of DHSS benefits. Department Exhibit 2, pgs. l-m.

3. On October 19, 2016, the OCS sent the Petitioner a Noncooperation Notice, OCS-1252A that the Petitioner failed to respond to the first contact letter within 10 days. Department Exhibit 2, pg. e.
4. On November 7, 2016, the Petitioner applied for FAP benefits.
5. On November 29, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action that she was approved for a group size of 1 for [REDACTED] because she failed to cooperate with OCS. Department Exhibit 1, pgs. 10-13.
6. On December 5, 2016, the Department received a hearing request, contesting the Department's negative action.

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.

In this case, the OCS sent the Petitioner a First Contact Letter, OCS-0015, for the Petitioner to cooperate in establishing paternity and support on October 1, 2016. Department Exhibit 2, pgs. h-i. On October 10, 2016, the OCS sent the Petitioner a Final Contact Letter, OCS-0025, for the Petitioner to cooperate in establishing paternity and support and if the information was not provided by October 18, 2016 that she would be found uncooperative with OCS that may result in a decrease of DHSS benefits. Department Exhibit 2, pgs. l-m. On October 19, 2016, the OCS sent the Petitioner a Noncooperation Notice, OCS-1252A that the Petitioner failed to respond to the first contact letter within 10 days. Department Exhibit 2, pg. e. On November 7, 2016, the Petitioner applied for FAP benefits. On November 29, 2016, the Department Caseworker sent the Petitioner a Notice of Case Action that she was approved for a group size of 1 for [REDACTED] because she failed to cooperate with OCS. Department Exhibit 1, pgs. 10-13. On December 5, 2016, the Department received a hearing request, contesting the Department's negative action. BAM 105, 115, 130, 200, 210, and 220.

During the hearing, the Petitioner stated that she gave them the name that she had for her child's father. She met him one night at a club in [REDACTED]. He stated that he was from out of town and was visiting friends. The Petitioner gave a physical description of the non-custodial father at the hearing. The OCS worker stated that the Petitioner did not give enough information because it was a common name and she did not know what city he was from. As a result, the OCS could not establish paternity and support by finding the non-custodial parent.

DECISION AND ORDER

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 determined that the Petitioner was in non-compliance with OCS because she could not provide information to identify the non-custodial parent to establish paternity and support.

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



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

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] [REDACTED]