



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: January 30, 2017  
MAHS Docket No.: 16-019076  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Michael J. Bennane**

### 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 [REDACTED], from Detroit, Michigan. The Petitioner was represented by Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED].

### ISSUE

Did the Department properly moved to close the Petitioner's Food Assistance Program (FAP) for failure 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 [REDACTED] OCS sent the Petitioner a First Customer Contact Letter requesting further information about the Petitioner's child noncustodial parent.
2. On [REDACTED], OCS sent the Petitioner a Final customer Contact Letter again requesting information about the Petitioner's child noncustodial parent.
3. On [REDACTED], OCS sent the Petitioner a Noncooperation Notice again requesting further information about the child's father.
4. On [REDACTED], and Department sent the Petitioner a Notice of Case Action informing her that her FAP benefits was to be closed effective [REDACTED].

5. On [REDACTED], the Petitioner requested a hearing to protest the closure of her FAP benefits.

### **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 the instant case, the Department was unable to provide contact information to the OCS personnel working on this case.

In this case, the Department is attempting to identify the father (noncustodial parent). At the hearing, the Petitioner was sworn in and questioned by this ALJ and asked whether she had any further information that she had not previously revealed to the Department concerning the identity of the father of her child.

The Petitioner testified under oath that she had provided all the information that she had concerning her child's father to the Department previously.

Here, after swearing in the Petitioner, this ALJ questioned her about the information she had already supplied to OCS. The Petitioner testified that she had provided OCS with all the information she possessed about the father of her child. The Petitioner was asked whether she had any further information and replied in the negative.

This ALJ then asked the Department whether they had any evidence or knowledge that the Petitioner had further information concerning the father of her child.

The Department replied in the negative.

### **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 failed to satisfy its burden of showing that it acted in accordance with Department policy when it moved to close the Petitioner's FAP benefits for failure to cooperate with OCS.

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

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Reinstatement of Petitioner's FAP benefits retroactively back to the closure on [REDACTED] and supplement for any missed benefits.

MJB/jaf



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**Michael J. Bennane**  
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]

**Petitioner**

[REDACTED]

[REDACTED]