



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: March 16, 2017
MAHS Docket No.: 17-001473
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Darryl Johnson

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 February 28, 2017, from Lansing, Michigan. The Petitioner appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Eligibility Specialist [REDACTED]. The Office of Child Support (OCS) was represented by Lead Worker [REDACTED].

ISSUE

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits?

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 January 21, 2016, the OCS mailed to Petitioner a First Customer Contact Letter (Exhibit A, Pages 9-23), instructing her to contact the OCS and provide information regarding the father of her newborn child.
2. On February 19, 2016, the OCS mailed a Final Customer Contact Letter (Pages 24-26), again instructing her to contact the OCS within 14 days to identify the child's father.
3. On March 17, 2016, the Department mailed a Noncooperation Notice (Page 7), advising Petitioner that her failure to cooperate with the OCS would result in a

reduction in benefits or closure of her case, unless she had a valid good-cause reason for noncompliance.

4. Petitioner applied for FAP on January 3, 2017, and on January 6, 2017, she was approved for expedited FAP benefits (Pages 33-34) for a household of three.
5. On January 6, 2017, a Verification Checklist (VCL) was mailed to Petitioner (Page 32-33), instructing her to contact the OCS and comply with their requirements. Her compliance was required by January 17, 2017.
6. On January 23, 2017, after Petitioner failed to identify the father to the OCS, the Department mailed a Notice of Case Action (Pages 30-31), informing Petitioner that her FAP would be based upon a household size of two beginning February 1, 2017, which was a reduction because she did not comply with the OCS.
7. The Department received Petitioner's hearing request on January 30, 2017, protesting the reduction in her FAP.

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, Petitioner was asking for FAP for herself and two others in her household. Despite repeated notices from the Department, she refused to cooperate with them in identifying the father of her child. The OCS witness testified that she gave information to the OCS which she said was all that she knew about who the father might be, but the information she gave would change during the conversation. She said it could have been a couple of men she met on a dating website. Her first call to the Department was on March 8, 2016, and she made another call on March 24, 2016. Her next call did not come until January 17, 2017, when she said that she had no other information on the father. However, she had given the child the last name of [REDACTED], and the Department found Facebook photos Petitioner had posted on January 19, 2016, of a man holding a baby, with the caption, "Pretty amazing creation [REDACTED] [REDACTED] . . ." In her hearing request (Page 88), Petitioner wrote, "The father of [REDACTED] child is unknown . . ."

During the hearing, after the Department presented its evidence, Petitioner was asked directly to name the father of her child. Petitioner responded, and said it was [REDACTED]. When asked why she chose not to identify him if she knew him, she said that she did not want him to be a part of the child's life. She is not afraid of Mr. [REDACTED].

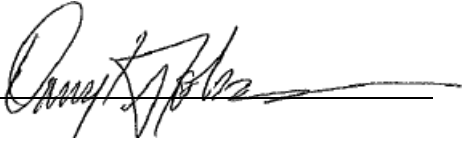
Clearly, Petitioner knew the identity of the father of the child. She intentionally withheld that information from the Department, knowing it would result in the loss of benefits. She has now identified the father, which would presumably bring her into compliance with the OCS, but that does not change the fact that the Department properly reduced her benefits during the time that she was out of compliance.

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 reduced Petitioner's FAP because of her noncompliance with the OCS.

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

DJ/nr



Darryl Johnson
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]