



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: March 13, 2017
MAHS Docket No.: 17-001785
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on March 8, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] [REDACTED] (Assistance Payments Supervisor), and [REDACTED] [REDACTED] (Office of Child Support).

ISSUE

Did the Department of Health and Human Services (Department) properly sanctioned Petitioner's Food Assistance Program (FAP) benefits for noncooperation with the Office of 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. On October 27, 2016, the Department received Petitioner's application for Food Assistance Program (FAP) benefits as a group of five. Exhibit A, pp 1-2.
2. On her October 27, 2016, application for assistance, Petitioner did not name the absent father of one of her children. Exhibit A, p 2.
3. On November 5, 2016, the Department requested that Petitioner provide information necessary to identify and locate the unidentified absent father of one of her children. Exhibit A, p 5.

4. On November 11, 2016, Petitioner submitted a Child Support Response Form (DHS-842) but she only provided the height, weight, hair color, eye color, and race of the otherwise unidentified absent father of her child. Exhibit A, pp 12-14.
5. On November 21, 2016, the Department notified Petitioner that she had been found to be noncooperative with the Office of Child Support. Exhibit A, p 10.
6. On November 22, 2016, the Department notified Petitioner that her Food Assistance Program (FAP) benefits had been sanctioned due to her noncompliance with the Office of Child Support resulting in a reduction of her group size from 5 to 4, and a reduction her monthly allotment of benefits to \$ [REDACTED] from \$ [REDACTED]. Exhibit A, pp 15-19.
7. On February 3, 2017, the Department received Petitioner's request for a hearing protesting the sanction on her Food Assistance Program (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.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (January 1, 2017), pp 1-2.

On October 27, 2016, the Department received Petitioner's application for FAP benefits as a group of five. On her application for assistance, Petitioner failed to identify the father of one of her children. On November 5, 2016, the Department requested that Petitioner provide information necessary to identify and locate the unidentified father of her child.

On November 11, 2016, Petitioner submitted a Child Support Response Form (DHS-842) that contained insufficient evidence for the Office of Child Support to conduct a meaningful investigation to establish child support from the unidentified father of Petitioner's child. On November 21, 2016, the Department notified Petitioner that it considered her to be noncooperative with the Office of Child Support.

After placing a sanction on Petitioner's FAP benefits, the Department notified her on November 22, 2016, that her FAP group would be reduced from 5 to 4, and her monthly allotment of FAP benefits would be reduced from \$ [REDACTED] to \$ [REDACTED].

Petitioner claims that she cannot identify the absent father of her child and has no additional information to provide the Department. Petitioner testified that a person she thought was the father of her child was excluded by DNA testing conducted by the state of Florida. Petitioner failed to present any evidence supporting her claim that a person she had identified as the absent father was excluded.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997).

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department reasonably determined that Petitioner has failed to make a reasonable effort to cooperate with the Department's attempts to identify and locate the absent father of her child. Petitioner has not provided the Department with meaningful information about the unidentified father and failed to provide evidence supporting her claim of cooperation with the state of Florida.

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 Food Assistance Program (FAP) benefits for noncooperation with the Office of Child Support.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



Kevin Scully
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]