



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: [REDACTED] May 12, 2017  
MAHS Docket No.: 17-004381  
Agency No.: [REDACTED]  
Petitioner: [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 [REDACTED], from [REDACTED], Michigan. Petitioner was represented by herself, and her daughter, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Coordinator, and [REDACTED], Child Support Specialist.

### **ISSUE**

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits due to noncompliance 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. Petitioner's daughter was a recipient of FAP, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255.
2. On [REDACTED], the OCS sanctioned Petitioner's daughter, [REDACTED], as a FAP member of the group for non-cooperation with child support.
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action that her FAP benefits were decreasing to \$ [REDACTED] a month effective [REDACTED], for

household group size of 2, due to the removal of Petitioner's daughter due to non-cooperation with OCS. Department Exhibit 1, pgs. 2-5.

4. On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action.
5. On [REDACTED], the OCS entered a Supplemental Hearing Summary Non-Cooperation Explanation of Action Taken by the Office of Child Support, where Petitioner's daughter was found to be in non-cooperation for failing to provide accurate verifiable information about the absent father. One putative father has already been excluded. She has failed to give OCS sufficient information to identify the putative father. Therefore, the case will remain in non-cooperation. Department Exhibit 1, pg. 1.

### 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's daughter was a recipient of FAP, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255. On [REDACTED], the OCS sanctioned Petitioner's daughter, [REDACTED], as a FAP member of the group for non-cooperation with child support. On [REDACTED] the Department sent Petitioner a Notice of Case Action that her FAP benefits were decreasing to \$ [REDACTED] a month effective [REDACTED] for household group size of 2, due to the removal of Petitioner's daughter due to non-cooperation with OCS. Department Exhibit 1, pgs. 2-5.

On [REDACTED], the Department received a hearing request from Petitioner, contesting the Department's negative action. On [REDACTED], the OCS entered a Supplemental Hearing Summary Non-Cooperation Explanation of Action Taken by the Office of Child Support, where Petitioner's daughter was found to be in non-cooperation, for failing to provide accurate verifiable information about the absent father. One putative father has already been excluded. Petitioner has failed to give OCS sufficient information to identify the putative father. Therefore, the case will remain in non-cooperation. Department Exhibit 1, pg. 1. BAM 220. BEM 255.

During the hearing, Petitioner's daughter stated that she became pregnant on a one night stand. She stated that she told OCS that she met him at an event and that he lied about where he was from. Petitioner's daughter did not get a last name, and has not seen him at other similar events. The OCS stated that is not enough information to find the absent father and that she will remain in non-cooperation.

**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 Petitioner was in non-cooperation with OCS resulting in a decrease in FAP benefits.

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



CF/bb

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**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

**DHHS**

[REDACTED]

**Department Representative**

[REDACTED]

**Petitioner**

[REDACTED]