



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: June 2, 2017  
MAHS Docket No.: 17-004717  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

### **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 three-way telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist, and [REDACTED], Family Independence Manager. [REDACTED] from the Office of Child Support (OCS) also appeared as a witness for the Department and OCS.

### **ISSUE**

Did the Department properly deny the Petitioner's Family Independence Program (FIP) Cash Assistance and Food Assistance Program (FAP) benefits due to noncooperation 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], the Petitioner advised OCS at the time the Petitioner was first interviewed by the OCS that she met a man named [REDACTED] at [REDACTED], a bar in [REDACTED] on [REDACTED] Avenue. She went to the bar with her sister. She left the bar, went to the man's house, who drove her there in a black [REDACTED] vehicle and had sex. The notes taken by Children's Protective Services (CPS) at that time further indicate that Petitioner got home when her sister came to pick her up at the

man's house. At that time, she did not know the name of the street or the identity of the man. Exhibit 5.

2. The Petitioner filed a hearing request seeking to remove the noncooperation as determined by the OCS via fax on [REDACTED]. The hearing request stated the following: "I went on a trip with friends to [REDACTED] came back pregnant I was in [REDACTED] and don't have any information about the father of my child I don't feel it is fair to penalize me for a accidental pregnancy just because I don't know who the father is." [REDACTED] Hearing Request.
3. The Petitioner was placed in noncooperation by OCS beginning on [REDACTED]. Exhibit 3.
4. A Noncooperation Notice was issued by the OCS on [REDACTED], because at the time, the Petitioner had not responded to two letters to contact OCS by [REDACTED]. Exhibit 4.
5. The OCS reviewed Petitioner's noncooperation on [REDACTED], and continued to keep Petitioner in noncooperation.
6. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's actions.

### **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 Petitioner seeks to be placed in cooperation with the OCS because she claims she does not know the identity of the father of the child she conceived sometime in [REDACTED]. At the time the Petitioner was first interviewed by the OCS, she advised that she met a man named [REDACTED] at [REDACTED] a bar in [REDACTED] on [REDACTED] Avenue. She went to the bar with her sister. She left the bar, went to the man's house who drove her there in a black [REDACTED] vehicle and had sex. The notes taken by CPS at that time further indicate that Petitioner got home when her sister came to pick her up at the man's house. At that time, she did not know the name of the street or the identity of the man. The man had given her sister directions where his house was. Exhibit 5.

## **FIP, CDC Income Eligible, MA and FAP**

**Cooperation is a condition of eligibility.** The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.

Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings. BEM 255 (January 1, 2017), pp. 9-10.

The issue in this case is whether the OCS correctly determined that the Petitioner was in noncooperation when it issued its Notice of Noncooperation on [REDACTED].

The Petitioner's case had been originally placed in noncooperation in [REDACTED] and thereafter, on [REDACTED], for failure to provide information to OCS. The Department had sent the Petitioner a Verification Checklist on [REDACTED], with a due date of [REDACTED], requesting that she contact the OCS to comply with Child Support requirements. The Petitioner had applied for FIP Cash Assistance, and the verification was part of the application process. Exhibit 2. The Petitioner had remained in noncooperation with OCS since the Notice of Noncooperation letter of [REDACTED], when the OCS placed Petitioner originally in noncooperation for failing to respond to two prior letters to contact them. Exhibit 4. When Petitioner applied in [REDACTED] for FIP and FAP benefits, the noncooperation was still effective; so Petitioner was required to contact OCS to clear up the matter.

The Petitioner after receiving the Verification Request, contacted OCS on [REDACTED] and stated she had a one-night stand and did not know who the father was and provided no information regarding the absent father. The Petitioner also contacted OCS on [REDACTED], and in [REDACTED] and provided no identifying information during these contacts. In addition, in her recent hearing request dated [REDACTED], she said she was in New York with friends and came back pregnant and did not know who the father was. This rendition conflicts with what she told OCS in [REDACTED] when she did contact them. In that rendition, she stated: she met the father of her child at a bar in

██████ in ██████ and had a one-night stand and got pregnant. The Petitioner's sister picked the Petitioner up at the person's house, but she did not know the street. See ██████████, Hearing Request and Exhibit 5. At the time of the hearing, the child that was conceived was five years old.

Based upon the information provided, the Petitioner has not cooperated with respect to the child conceived in ██████ and has given very inconsistent information regarding the incident of her one-night stand. Based upon the Petitioner's testimony and written hearing request, it is determined, given the serious inconsistency provided to OCS that the OCS properly continued to place the Petitioner in noncooperation as her information was not credible. Both factual stories are grossly inconsistent as described above, and Petitioner's explanation that what she told OCS in ██████ was only given so that she could get off the phone with the interviewer.

The Petitioner did cooperate with regard to another of her children; however, she has never cooperated regarding the child conceived and ██████ and thus, still is in non cooperation because Petitioner has to be in cooperation as to each child as cooperation is a condition of eligibility. Therefore, the OCS correctly determined that Petitioner remains in noncooperation.


The Petitioner, due to her noncooperation, is ineligible for FAP and will not be counted as a group member; however, the remaining member will continue to be eligible to receive FAP benefits if otherwise eligible. BEM 255l, p. 15.

### **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 continued to find that the Petitioner was in noncooperation.

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

LMF/jaf



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**Lynn M. Ferris**  
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

**Department Representative**

[REDACTED]  
[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]

**DHHS**

[REDACTED]  
  
[REDACTED]  
[REDACTED]  
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