



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: July 20, 2017  
MAHS Docket No.: 17-007336  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Denise McNulty**

### **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; 42 CFR 438.400 to 438.424; 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 herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Family Independence Manager, and [REDACTED] Lead Worker with the Office of Child Support (OCS).

### **ISSUE**

Did the Department properly decrease Petitioner's Food Assistance Program (FAP) benefits effective [REDACTED], for failing to cooperate with the 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], Petitioner filed an application for FAP benefits.
2. The Petitioner has a son, a minor, whose father is an absent parent.
3. Beginning [REDACTED], the OCS sent Petitioner a series of correspondence through which she was asked to provide information relating to the identity of the father of her son.
4. Petitioner failed to respond to any of the correspondence from the OCS. On [REDACTED], the OCS found Petitioner failed to cooperate and provide identifying information about the absent parent.

5. On [REDACTED], the Department sent a Verification Checklist (VCL) to Petitioner instructing her to contact the OCS in order to comply with Child Support requirements.
6. The Department sent a Notice of Case Action to Petitioner, on [REDACTED], denying Petitioner FAP benefits due to noncooperation with OCS.
7. On [REDACTED], Petitioner filed a Request for Hearing disputing 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.

Additionally, Department policy requires the custodial parent to comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of each child for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (January 2017), p. 1. Cooperation is a condition of eligibility for FAP benefits. BEM 255 (January 2017), p. 9. Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The remaining group members will receive FAP benefits. BEM 255 (January 2017), p. 15.

In this case, when Petitioner began to receive public benefits, the OCS sent her correspondence seeking information regarding the absent parent. Petitioner failed to respond to the inquiries from the OCS. Subsequently, on [REDACTED], the OCS notified Petitioner that she was considered to be noncooperative with the child support program because she failed to respond to any of the correspondence sent to her in [REDACTED]

Petitioner did not make a claim of good cause for failing to provide the requested information. After Petitioner applied for FAP benefits in [REDACTED], the Department requested, via a VCL, that she take the steps necessary to come into compliance with the OCS. Subsequently, Petitioner was approved for a reduced amount of FAP benefits on [REDACTED], since she remained in a noncompliance status with the OCS.

Petitioner interviewed with the OCS in late [REDACTED] and [REDACTED]. She provided a first name and an apartment complex location of the absent parent's last known address, in [REDACTED] from [REDACTED] years ago. The OCS has not been able to locate the absent parent with such limited information. Petitioner did not respond to the [REDACTED] correspondence from the OCS because she did not feel she had any information she could provide to assist in finding the absent parent.

The Petitioner had the obligation to assist the OCS identify and locate the absent parent. When she was asked to do so, she failed to make contact with the OCS timely. Although she has recently provided some information regarding the absent parent Petitioner remains in noncooperative status.

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 approved a reduced amount of FAP benefits for Petitioner's group at \$ [REDACTED] per month effective [REDACTED].

### **DECISION AND ORDER**

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



DM/jaf

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**Denise McNulty**  
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]  
[REDACTED]  
[REDACTED]

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED]

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]