



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: August 4, 2017  
MAHS Docket No.: 17-008080  
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] [REDACTED], Assistance Payment Worker, and [REDACTED] [REDACTED] Lead Child Support Specialist.

### **ISSUE**

Did the Department properly determine Petitioner's Food Assistance Program (FAP) eligibility for 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. Petitioner was a former recipient of FAP benefits, and remains the grantee regarding FAP benefits for her sons, minor children.
2. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying her that her individual FAP benefits would close due to failure to cooperate with child support requirements. [Exhibit 2, p. 2.]
3. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying her that she was approved for FAP benefits in the amount of \$ [REDACTED] per month

for her two sons in a household of three. Petitioner remained excluded from the benefits due to her continuing “noncooperation” status with the Office of Child Support (OCS).

4. In [REDACTED], the OCS closed its case regarding one of the minor children.
5. On [REDACTED], Petitioner filed a Request for Hearing disputing the Department’s actions as stated in the [REDACTED], Notice of Case Action.

### **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.

Failure to cooperate with the Office of Child Support without good cause, results in disqualification of the individual who failed to cooperate. The individual and her needs are removed from the FAP EDG for a minimum of one month. The remaining eligible group members will receive benefits. BEM 255, (January 2017), p. 15. Petitioner has never alleged she had a good cause reason for failing to cooperate with the OCS. She was provided information about how to get her status changed with the Office of Child Support. The OCS closed both child support cases regarding Petitioner’s minor children in [REDACTED] because Petitioner remained in “noncooperation” status. Petitioner mistakenly believed that the fact that the OCS closed the child support cases that the sanctions with regards to her FAP benefits should be removed.

In the hearing, Petitioner testified that she was not certain of the identity of the father of either of her children. However, it was clear from Petitioner’s testimony that she has information regarding the identity of the fathers that she has not shared with the OCS. Petitioner indicated the individual who appeared for genetic testing regarding one of her children did not appear to be the individual she had named. She never advised her worker of the discrepancy. Additionally, Petitioner testified that she had failed to provide further information that could possibly lead to the identity of the fathers because she did not believe the information was significant enough. As such, it is found that the Department reasonably believed that Petitioner has further information that she has not shared and, therefore, is not cooperating with the OCS. Therefore, the Department properly continued Petitioner’s FAP benefits at \$ [REDACTED] per month effective [REDACTED].

**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 Petitioner's FAP benefits at \$ [REDACTED] per month effective [REDACTED].

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]