



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON  
DIRECTOR

[REDACTED]  
[REDACTED]  
[REDACTED]

Date Mailed: August 21, 2017  
MAHS Docket No.: [REDACTED] 17-008259  
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; 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 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], Lead Child Support Specialist.

**ISSUE**

Did the Department properly deny the Petitioner Food Assistance (FAP) and deny the Petitioner's FIP Cash Assistance application due to noncooperation with the Office of Child Support?

Did the Department properly place the Petitioner in 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] [REDACTED], the Office of Child Support placed the Petitioner in noncooperation and sent a Noncooperation Notice. Exhibits B and E
2. The OCS sent letters to the Petitioner requesting that she contact the Office of Child Support. The letters, the First and Second Customer Contact letters, were

sent to the Petitioner at the wrong address. The Petitioner did not receive any letter or the Noncooperation Notice. The Petitioner had not lived at that address for almost 14 years. The Petitioner has lived at her current address since [REDACTED]. Exhibit D and Exhibit E

3. The Department denied the Petitioner's FAP and FIP application due to non-cooperation with the OCS. The Department sent a Notice of Case Action dated [REDACTED], denying the Petitioner's FAP and FIP applications for failure to cooperate with OCS.
4. The OCS found the Petitioner in Cooperation with OCS as of [REDACTED], and thus Petitioner was in cooperation at the time of the hearing. Exhibit H
5. During the hearing conducted on [REDACTED], the OCS sent the DHS an email notification to change the cooperation date to [REDACTED] (the original date of OCS noncooperation), for the reason that all the OCS letters and Noncooperation Notice were sent to the wrong address. The OCS also stated that it should not have placed Petitioner in noncooperation because she never received the letters and Notice. Exhibit B
6. The Department must request a help desk ticket to change the Petitioner's cooperation date from [REDACTED].
7. 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 Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

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 Department denied the Petitioner's FAP benefits and denied the Petitioner's FIP application due to placement of Petitioner in noncooperation with OCS as of [REDACTED]. During the hearing, it was determined that Petitioner never received the two letters sent to her by OCS requesting information and that she contact OCS, nor the Noncooperation Notice. All three of these documents were sent to Petitioner at an address that was 14 years old. The OCS determined, based upon the Petitioner's testimony, that it should not have placed the Petitioner in noncooperation because she never received notice of any of the communications it sent to Petitioner. Prior to the hearing, the OCS had interviewed Petitioner and had placed her in cooperation as of [REDACTED]. Exhibit F. At the hearing, the OCS also emailed the Department advising that the Petitioner should be deemed in cooperation by OCS as of [REDACTED], and requested that the Department seek a help desk ticket to make the change as the OCS cannot manually make the change itself.

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 or obtaining genetic tests). BEM 255 (January 2017), pps. 9-10.

Given the finding of the Petitioner in cooperation by OCS as of [REDACTED], pending a help desk ticket correcting the cooperation date, the Department must reprocess the Petitioner's [REDACTED] FIP Cash Assistance and Food Assistance applications to determine Petitioner's eligibility for those benefits.

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 did not act in accordance with Department policy when it found the Petitioner in noncooperation on [REDACTED], and the Department should not have denied the Petitioner FAP benefits and should not deny the Petitioner's FIP Cash Assistance application.

**DECISION AND ORDER**

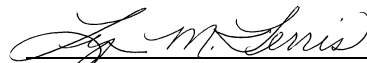
Accordingly, the Department's decision is

**REVERSED.**

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall re register the Petitioner's FIP Cash Assistance and Food Assistance applications dated [REDACTED] and determine the Petitioner's eligibility for benefits.
2. The Department shall issue a supplement for FIP and FAP benefits the Petitioner is otherwise entitled to receive in accordance with Department policy.

LF/hw



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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

**DHHS**

[REDACTED]

**Department Representative**

[REDACTED]

**Petitioner**

[REDACTED]