



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: September 15, 2017
MAHS Docket No.: 17-008868
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, telephone hearing was held on September 6, 2017, from Detroit, Michigan. The Petitioner represented herself. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator, and [REDACTED], Lead Worker-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. Petitioner was a FAP recipient with a group size of two.
2. On [REDACTED], Petitioner was found to be in noncooperation with the child support program. Her status has not changed since that date.
3. Petitioner has had contact with the OCS on five or more occasions. Petitioner has consistently stated she has no information regarding the father of her minor child. Petitioner states she went to a party and was intimate with multiple people and has no information about any of the possible fathers.

4. In [REDACTED], Petitioner submitted an application for State Emergency Relief assistance. When making a determination on her eligibility for SER assistance the Department learned Petitioner was in noncompliance with the child support program.
5. On [REDACTED], the Department sent Petitioner a Notice of Case Action notifying her that her FAP benefits would be decreased because of her noncompliance status with the OCS.
6. On [REDACTED], the Department received Petitioner's 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 of a child to comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of a 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.

In this case, Petitioner has a minor child for whom the father has not been identified to the OCS. The Department requested Petitioner provide identifying information about the father on several occasions. Petitioner has repeatedly stated she does not have any information, not even a first name. She has not provided any identifying information such as a physical description. Petitioner insists she has nothing she can provide because the child was conceived when she went to a party, on a date unknown, where she was intimate with multiple people. Petitioner testified she did not know anyone's first or last name. Petitioner stated her child is about [REDACTED] years old presently. She stated she asked a friend once the names of the people at the party and did not get a response. Petitioner advised the OCS that her child was not the product of a rape. During the hearing, Petitioner indicated that she couldn't say who the father of her child was because she was intimate with multiple people at a party but was unable to give a date or month when the child was conceived.

The OCS inquired of Petitioner in an interview about her child having a last name that differed from her own and received no reply. During the hearing, Petitioner stated that her child was given a family name of a grandparent as a last name.

The Department found Petitioner's statements regarding the night of conception not credible. 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. Although Petitioner stated to a worker that she believed she had "good cause" for not cooperating with the OCS it is clear from her interviews with the OCS and her testimony at the hearing that she is not alleging "good cause" as defined in the policy. Based on Petitioner's testimony and the evidence presented at the hearing it is found that Petitioner has not provided all of the information she could regarding the possible father of her child. As such, it is found that Petitioner remains in noncompliance with the child support program. Therefore, the Department properly reduced her FAP benefits for failure to cooperate with child support requirements.

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 reduced Petitioner's FAP benefits.

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



DM/jaf

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]

Petitioner

[REDACTED]
[REDACTED]
[REDACTED]

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