



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: September 15, 2017  
MAHS Docket No.: 17-010571  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Carmen G. Fahie

**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 September 7, 2017, from [REDACTED] Michigan. Petitioner was represented by herself and Petitioner's daughter, [REDACTED]. The Department of Health and Human Services (Department) was represented by [REDACTED], Eligibility Specialist and [REDACTED], Lead Worker of the Office of Child Support (OCS).

**ISSUE**

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits due to noncompliance 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. Petitioner's daughter was a recipient of FAP, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255.
2. On February 4, 2017, the OCS sent Petitioner's daughter a First Customer Contact Letter that Petitioner's daughter had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 1-3.

3. On February 14, 2017, the OCS sent Petitioner's daughter a Final Customer Contact Letter that Petitioner's daughter had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 4-5.
4. On February 24, 2017, the OCS sent Petitioner's daughter a Noncooperation Notice because Petitioner's daughter did not respond and she had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 6-7.
5. On March 6, 2017, the Department sent Petitioner a Notice of Case Action that her FAP benefits were decreasing to \$█ a month effective April 1, 2017, for household group size of 2 due to the removal of Petitioner's daughter due to noncooperation with OCS. Department Exhibit 1, pgs. 8-9.
6. On August 7, 2017, the Department received a hearing request from Petitioner, contesting the Department's negative 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.

In this case, Petitioner's daughter was a recipient of FAP, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255. On February 4, 2017, the OCS sent Petitioner's daughter a First Customer Contact Letter that Petitioner's daughter had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 1-3. On February 14, 2017, the OCS sent Petitioner's daughter a Final Customer Contact Letter that Petitioner's daughter had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 4-5. On February 24, 2017, the OCS sent Petitioner's daughter a Noncooperation Notice because Petitioner's daughter did not respond and she had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 6-7. On March 6, 2017, the Department sent Petitioner a Notice of Case Action that her FAP benefits were decreasing to \$█ a month effective April 1, 2017, for household group size of 2 due to the removal of Petitioner's daughter due to noncooperation with OCS. Department Exhibit 1, pgs. 8-9. On August 7, 2017, the

Department received a hearing request from Petitioner, contesting the Department's negative action. BEM 255.

During the hearing, Petitioner's daughter stated that she was not sure about the paternity of her child, but had tried to cooperate with OCS. On August 4, 2017, she was interviewed by OCS where she could not provide any contact information. Petitioner's daughter stated that she was at multiply parties and drinking where she woke up and realized that she had had sex. She did not file a police report. OCS requested that she do more to establish paternity of talking to friends that she was with on the night of the parties and using social media.

### **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 determined Petitioner was in noncooperation with OCS resulting in a decrease in FAP benefits.

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



CF/md

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**Carmen G. Fahie**  
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]

**Petitioner**

[REDACTED]