



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR

[REDACTED]

Date Mailed: October 18, 2017  
MAHS Docket No.: 17-011957  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Kevin Scully

**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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, telephone hearing was held on October 9, 2017, from [REDACTED] Michigan. The Petitioner represented herself. The Department was represented by [REDACTED] Assistance Payments Supervisor, and [REDACTED] Office of Child Support.

**ISSUE**

Did the Department of Health and Human Services (Department) properly sanction Petitioner's Food Assistance Program (FAP) benefits due to her noncooperation with the Department's Office of Child Support?

**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 is an ongoing Food Assistance Program (FAP) recipient.
2. On June 11, 2017, the Department requested that Petitioner provide information necessary to identify and locate the absent parent of her child. Exhibit A, p 9.
3. On June 21, 2017, the Department again requested that Petitioner provide information necessary to identify and locate the absent parent of her child. Exhibit A, p 12.
4. On July 1, 2017, the Department notified Petitioner that it found her to be noncooperative with the Office of Child Support's attempts to identify and locate the absent parent of her child. Exhibit A, p 15.

5. The Department disqualified Petitioner from her Food Assistance Program (FAP) benefit group, which resulted in a reduction of her monthly allotment of benefits effective August 1, 2017, but failed to send written notice to Petitioner.
6. On September 5, 2017, the Department received Petitioner's request for a hearing protesting the amount of her Food Assistance Program (FAP) allotment. Exhibit A, p 2.
7. On September 18, 2017, the Department notified Petitioner that her monthly allotment of Food Assistance Program (FAP) benefits would be reduced to \$ [REDACTED] effective October 1, 2017. Exhibit A, p 3.

### **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.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (January 1, 2017), pp 1-2.

Petitioner was an ongoing FAP recipient when the Department requested that she provide information necessary to identify and locate the absent parent of her child. Petitioner allowed herself to be interviewed but when the person she had identified as possibly being the father were excluded, Petitioner then reported that she could not identify a possible father. The Department credibly determined that Petitioner was not being cooperative with the Office of Child Support and Petitioner's FAP benefits were sanctioned.

Petitioner testified that she had provide the Department with false information including a false report of being raped by the absent father of her child. Petitioner testified that she is unable to identify the absent father.


Petitioner has a duty to cooperate with the Office of Child Support to identify and locate the absent father of her child, and the evidence supports a finding that she had not been cooperative.

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 sanctioned Petitioner's Food Assistance Program (FAP) benefits for noncooperation with the Department's Office of Child Support.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

KS/nr

  
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Kevin Scully  
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]