



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: May 18, 2018
MAHS Docket No.: 18-004037
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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 Lansing, Michigan. Petitioner personally appeared and testified.

The Department of Health and Human Services (Department) was represented by Eligibility Specialist, [REDACTED]; and Lead Worker, [REDACTED], of the Office of Child Support. [REDACTED] and [REDACTED] testified on behalf of the worker. The Department submitted 19 exhibits which were admitted into evidence. The record was closed at the conclusion of the hearing.

ISSUE

Did the Department properly deny Petitioner's Food Assistance Program (FAP) benefits based on her noncooperation status with the Office of Child Support?

FINDINGS OF FACT

The Administrative Law Judge, based on competent, material, and substantial evidence on the whole record, finds as material fact:

1. On [REDACTED], the Office of Child Support (OCS) mailed Petitioner a Noncooperation Notice, informing Petitioner that she was considered to be noncooperative with the child support program because she failed to respond to either the First Contact Letter or the Final Customer Contact Letter, mailed to Petitioner by the OCS. [Dept. Exh. 17-19].

2. On [REDACTED], Petitioner submitted a Claim of Good Cause to the Department. Petitioner indicated that she met her daughter's father in Detroit, while visiting in the summer. She was under the influence of alcohol and was afraid to seek medical attention. It was not consensual. She did not inform the police. The name he gave was not real and the last address says he never lived there. [Dept. Exh. 1, 9-10].
3. On [REDACTED], the Department mailed Petitioner a Verification Checklist instructing her to comply with the Office of Child Support, due by [REDACTED]. [Dept. Exh. 11-12].
4. On [REDACTED], Petitioner submitted a statement that while she was living in Detroit she met a man who lied about his name. She went to a party and got intoxicated. She was taken advantage of. She did not file a report. [Dept. Exh. 12].
5. On [REDACTED], the Department mailed Petitioner a Quick Note, indicating she was still in noncooperation with the Department because she had not provided information on the absent parent. [Dept. Exh. 13].
6. On [REDACTED], Petitioner submitted a Request for Hearing. [Dept. Exh. 3].
7. On [REDACTED], the Department mailed Petitioner a Supplemental Hearing Summary Noncooperation Explanation of Action Taken by Office of Child Support. [Dept. Exh. 15].
8. During the hearing in the above-captioned matter on [REDACTED], Petitioner testified that the man said his name was David, which was untrue. He was a black male, [REDACTED]' tall, and [REDACTED] pounds. He lived on [REDACTED], and the people that occupied the address threatened her. She did not recall the house number. She did not call the police because she was scared. [Testimony of [REDACTED], [REDACTED]].

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 only issue raised during the hearing in the above captioned matter, was whether Petitioner was barred from receiving benefits due to her noncooperation status with the Office of Child Support.

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, Mich

Admin Code R 792.11001-11018. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance is denied or is not acted upon with reasonable promptness. Mich Admin Code R 792.11002.

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever they believe the decision is incorrect. BAM 600, p 1 (4/1/2018). The Department will provide an administrative hearing to review the decision and determine the appropriateness in accordance with policy. *Id.*

The Department's philosophy regarding Child Support is that families are strengthened when children's needs are met. BEM 255, p 1 (4/1/2018). 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, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. *Id.*

Clients 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. *Id.* Absent parents are required to support their children. *Id.* Support includes child support, medical support, and payment for medical care from any third party. *Id.* For purposes of this item, a parent who does not live with the child due solely to the parent's active duty in a uniformed service of the U.S. is considered to be living in the child's home. *Id.*

Failure to cooperate without good cause results in disqualification. *Id.* at 2. Disqualification includes member removal, denial of program benefits or closure of program benefits, depending on the type of assistance. However, a pregnant woman who fails to cooperate may still be eligible for Medicaid. *Id.* at 2.

Exceptions to the cooperation requirement for FIP, CDC income eligible, Medicaid and FAP programs are allowed for all child support actions except failure to return assigned child support payments received after the support certification effective date. *Id.* at 2. Good cause is granted only if requiring cooperation/support action is against the child's best interests, and there is a specific "good cause" reason. *Id.* at 3. If good cause exists, cooperation is excused as an eligibility requirement for the child involved, but it can still be required for another child in the same family. BEM 255.

Cooperation is a condition of eligibility. *Id.* at 9. The grantee (head of household) and spouse, the specified relative/individual acting as a parent and spouse, and the parent of the child for whom paternity and/or support action is required in the eligible group, are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending. *Id.* Cooperation is required in all phases of the process to establish paternity and obtain support and 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). *Id.*

The support specialist determines cooperation for required support actions. *Id.* at 10. Cooperation is assumed until negative action is applied as a result of non-cooperation being entered. The non-cooperation continues until a comply date is entered by the primary support specialist or cooperation is no longer an eligibility factor. *Id.* Bridges applies the support disqualification when a begin date of non-cooperation is entered and there is no pending or approved good cause. The disqualification is not imposed if any of the following occur on or before the timely hearing request date:

- . The Office of Child Support (OCS) records the comply date.
- . The case closes for another reason.
- . The non-cooperative client leaves the group.
- . Support/paternity action is no longer a factor in the child's eligibility (e.g., the child leaves the group). *Id.* at 11.
- . Client cooperates with the requirement to return support payments to the Department and the support is certified. *Id.* at 12.
- . Client requests administrative hearing. *Id.*

In this case, Petitioner provided for the first time during the hearing, the absent father's name as "██████", which she said is not true. She also described "██████" as a black male, ██████", ██████ pounds, and living on ██████ in Detroit. Petitioner had not previously shared this information with the OCS. Further, Petitioner indicated that the people at the ██████ address had threatened her and she did not recall the house number. From Petitioner's testimony, she knew more than she had provided to the OCS prior to the hearing. Petitioner knows the location of where this "██████" may live or may have lived yet has not provided the house number. Since she knows the location, she is capable of providing a house number to the OCS which may in turn assist the OCS in locating the father of her daughter.

The Administrative Law Judge finds the Petitioner failed to establish a good cause reason for failing to cooperate with the Office of Child Support in that she was able to provide more information at the hearing than previously supplied to the OCS, and can

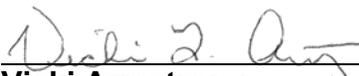
provide further information, such as the street number of the residence on [REDACTED] and the reasons why she believes "[REDACTED]" resides or resided there.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department acted in accordance with Department policy when it failed to find Good Cause justification for Petitioner's failure to cooperate with the OCS.

DECISION AND ORDER

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

VLA/bb



Vicki Armstrong
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) 763-0155; 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]