



RICK SNYDER  
GOVERNOR

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

SHELLY EDGERTON  
DIRECTOR



Date Mailed: June 27, 2018  
MAHS Docket No.: 18-003490  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE:** Colleen Lack

**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 May 24, 2018, from Lansing, Michigan. [REDACTED] [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Edna Vazquez, Assistance Payments Supervisor (APS). Carol Puckett, Assistance Payments Case Worker (APCW), and Patricia Bregg, Lead Worker with the Office of Child Support (OCS), appeared as witnesses for the Department.

During the hearing, the Department's Hearing Summary Packet was admitted as Exhibit A. pp. 1-30.

**ISSUES**

Did the Department properly reduce Food Assistance Program (FAP) benefits, and deny Family Independence Program (FIP) and Child Development and Care (CDC) benefits based on a failure to cooperate with child support requirements?

Is there a contested Medical Assistance (MA) program action?

**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 family was receiving FAP benefits. (APCW Testimony)

2. On February 3, 2018, Petitioner applied for FIP cash assistance benefits. (Exhibit A, pp. 1-16)
3. On February 13, 2018, a First Customer Contact letter was issued to Petitioner from OCS. (Lead Worker Testimony)
4. On February 23, 2018, a Final Customer Contact letter was issued to Petitioner from OCS. (Lead Worker Testimony)
5. On February 28, 2018, Petitioner went online and completed a client information form. Petitioner did not provide any information regarding the absent parent and instead put unknown for that. (Lead Worker Testimony)
6. On February 28, 2018, Petitioner applied for CDC benefits. (Hearing Summary; APCW Testimony)
7. During a March 4, 2018, telephone contact with another OCS Lead Worker Petitioner was unable to provide any information about the absent parent. (Lead Worker Testimony)
8. Non-cooperation status was entered regarding the child [REDACTED] with a non-cooperation date of March 4, 2018. (Exhibit A, p. 19)
9. On March 6, 2018, a Verification Checklist was issued to Petitioner, in part, indicating Petitioner needed to contact the Office of Child Support to comply with child support requirements. (Exhibit A, pp. 17-18)
10. The Department determined that Petitioner was disqualified from the FAP program due to the non-cooperation status with OCS. (Exhibit A, p. 20; APCW Testimony)
11. On March 6, 2018, a Notice of Case Action was issued to Petitioner stating FAP was approved for a household size of 1, (the child [REDACTED]) for the months of March 2018 through January 2019, in the amount of \$ [REDACTED]. The reason for the FAP reduction was Petitioner's failure to cooperate with OCS. (Exhibit A, pp. 21-22)
12. The Department determined that Petitioner was not eligible for FIP benefits due to the non-cooperation status with OCS and a failure to complete work participation program orientation. (Exhibit A, p. 23; APCW Testimony)
13. On March 21, 2018, a Notice of Case Action was issued to Petitioner stating FIP and CDC were denied. The FIP denial was based on the non-cooperation status with OCS, a failure to complete work participation program orientation, and failing to cooperate in pursuing other benefits. The CDC denial was based on the failure to cooperate with OCS and not giving proof of information the Department asked for on the Verification Checklist. (Exhibit A, pp. 25-26)
14. Petitioner has not made a claim of good cause with OCS. (Lead Worker Testimony)

15. On March 29, 2018, Petitioner filed a hearing request contesting the Department's actions. (Exhibit A, pp. 29-30)

### **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).

#### **MA**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In part, Petitioner's hearing request was marked that MA was denied. (Exhibit A, p. 30) The APCW credibly testified that Petitioner and her child were approved for Medicaid, which is ongoing. (APCW Testimony) Accordingly, Petitioner withdrew the MA portion of her hearing request on the record. (Petitioner Testimony)

Pursuant to Petitioner's withdrawal of the MA portion of the hearing request filed in this matter, the MA portion of Petitioner's Request for Hearing is, hereby, **DISMISSED**.

#### **FIP, FAP, CDC**

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.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and

the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

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. Bridges Eligibility Manual (BEM) 255, January 1, 2018, p. 1.

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. BEM 255, p. 1.

Cooperation is a condition of eligibility for FAP, FIP, and income eligible CDC. 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; and 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; and 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 p. 9.

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. BEM 255 p. 10.

There are two types of good cause: (1) cases in which establishing paternity/securing support would harm the child, and (2) cases in which there is danger of physical or emotional harm to the child or client. BEM 255 pp. 3-4.

If a client claims good cause, both the specialist and the client must sign the DHS-2168. The client must complete Section 2, specifying the type of good cause and the individual(s) affected. BEM 255 p. 4.

In this case, a First Customer Contact letter was issued to Petitioner from OCS on February 13, 2018. On February 23, 2018, a Final Customer Contact letter was issued to Petitioner from OCS. On February 28, 2018, Petitioner went online and completed a client information form. Petitioner did not provide any information regarding the absent parent and instead put unknown for that. During a March 4, 2018, telephone contact with another OCS Lead Worker, Petitioner was unable to provide any information about

the absent parent. (Lead Worker Testimony) Non-cooperation status was entered regarding the child [REDACTED] with a non-cooperation date of March 4, 2018. (Exhibit A, p. 19) Petitioner has not made a claim of good cause with OCS. (Lead Worker Testimony)

Petitioner testified that when she first received the letters, she did not realize that she had. Therefore, Petitioner did not fill them out in a timely manner. Petitioner lives with her parents and just had a baby. Petitioner did not realize the letters were there. As soon as Petitioner realized the letters were there, she immediately went online to fill it out to the best of her ability. Even with tracking down a bit more information more recently about the area she was in at the time, Petitioner does not know who the father is. (Petitioner Testimony)

Petitioner explained why she does not know who the father of her child is. When she was 20 years old, Petitioner was told she was unable to have children. Petitioner recently went through a divorce and had been with the same man on and off for 20 years. Petitioner was 39 years old with no children. Petitioner was on a lot of prescription drugs and was also drinking. Petitioner was going all over the place, going into bars, and did not care who she was going with. Petitioner was not keeping track of who she was with as Petitioner did not think she was able to get pregnant. Petitioner believes her child was conceived when she was in the Grand Haven/Holland area. Petitioner believes the child's father was a man that worked either construction or road crew but was from down south. The man Petitioner remembered talking to had a southern accent. All of the crew were staying at a motel behind Buffalo Wild Wings. That is where Petitioner was when she sobered up and left at 3:00 a.m. Petitioner does not know who the man was. (Petitioner Testimony) However there was no evidence that any of this information was provided to OCS at the time Petitioner was placed in non-cooperation status nor at the time of the FAP, FIP, and CDC determinations.

Overall, the evidence indicates that at the time Petitioner was placed into non-cooperation status, she had not provided OCS with any information regarding the father of [REDACTED] as requested. Specifically, Petitioner did not respond to the OCS contact letters until February 28, 2018, when she went online to complete the client information form. The OCS Lead Worker credibly testified that Petitioner did not provide any information regarding the absent parent and instead put unknown for that on the form. During the March 4, 2018, telephone contact with another OCS Lead Worker, Petitioner was still unable to provide any information regarding the absent parent. (Lead Worker Testimony) Accordingly Petitioner was placed into non-cooperation status at that time. There was also no evidence that Petitioner has claimed good cause and completed a DHS-2168. Accordingly, the Department's action must be upheld.

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 the FAP benefits, and denied FIP and CDC benefits due to the failure to cooperate with child support requirements based on the information available at the time of these determinations.

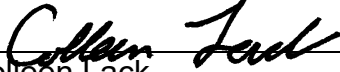
**DECISION AND ORDER**

Accordingly:

Pursuant to Petitioner's withdrawal of the MA portion of the hearing request filed in this matter, the MA portion of Petitioner's Request for Hearing is, hereby, **DISMISSED**

The Department's determinations regarding FAP, FIP, and CDC, are **AFFIRMED**.

CL/nr

  
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Colleen Lack  
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**

Cindy Tomczak  
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Berrien County DHHS- via electronic mail

BSC3- via electronic mail

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D. Sweeney- via electronic mail

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**Petitioner**

