



RICK SNYDER
GOVERNOR

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

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: July 31, 2018
MAHS Docket No.: 18-005246
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Jacquelyn A. McClinton

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 July 25, 2018, from Detroit, Michigan. The Petitioner was represented by herself. [REDACTED], Petitioner's grandmother, also appeared at the hearing. The Department of Health and Human Services (Department) was represented by [REDACTED], Hearing Facilitator, [REDACTED], Case Manager, and [REDACTED], Lead Support Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) benefits effective May 1, 2018?

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits effective May 1, 2018?

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 recipient of FAP benefits.
2. On June 2, 2017, Petitioner contacted the OCS requesting that she wanted to assert good cause for her noncooperation with the OCS.

3. On July 2, 2017, the Department sent Petitioner a Claim of Good Cause form.
4. On August 4, 2017, Petitioner returned the completed form.
5. In August 2017, the Department denied Petitioner's request for good cause because she had not provided any corroborating evidence in support of her request.
6. On December 14, 2017, the Department sent Petitioner a second Claim of Good Cause form and scheduled an appointment for December 21, 2017 to discuss good cause.
7. Petitioner failed to appear and failed to provide any additional information.
8. On December 31, 2017, the OCS sent Petitioner a First Customer Contact Letter requesting that she provide identifying information relating to the father of her child within 10 days.
9. Petitioner failed to provide the requested information.
10. On January 18, 2018, the OCS sent Petitioner a Final Customer Contact Letter requesting that she provide identifying information relating to the father of her child on or before January 18, 2018.
11. Petitioner failed to provide the requested information.
12. On January 19, 2018, the OCS sent Petitioner a Noncooperation notice which notified Petitioner that she was considered to be noncooperative with the child support program.
13. On March 30, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FIP benefits would close effective May 1, 2018 for failing to cooperate with the OCS.
14. On June 1, 2018, the Department sent Petitioner a Notice of Case Action which notified Petitioner that her FAP benefits had decreased to [REDACTED] per month for failing to cooperate with the OCS.
15. On May 17, 2018, Petitioner filed a 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 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.

Additionally, 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 (April 2018), p. 1. Further, cooperation is a condition of eligibility. 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.
- 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.
- 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.

In this case, Petitioner testified that she was the victim of a sexual assault. Petitioner stated that she did not initially know that she had been sexually assaulted. However, once she was informed that she was pregnant, she realized she had been a victim of a sexual assault. Petitioner stated that she did not seek medical attention and did not complete a police report. The Department testified that it denied Petitioner's request for good cause as she failed to provide any documentation of the sexual assault such as a police report, medical records, or PPO.

Petitioner acknowledged that she did not respond to the First Customer Contact Letter or the Final Customer Contact letter. Petitioner indicated that her grandfather was ill at the time and it slipped her mind. Petitioner has stated that she has no identifying

information relating to the identify of the father of her child. Petitioner did state however, that she is seeking counseling as a result of the sexual assault. As such, it is possible that Petitioner does have corroborating information to provide to the Department relating to the sexual assault.

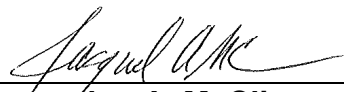
The evidence at the hearing demonstrated that Petitioner failed to provide any information in support of her claim for good cause. Therefore, the Department properly denied Petitioner's request for good cause. Further, because Petitioner failed to respond to correspondence sent to her from the OCS, it is found that she was properly placed in noncooperation status.

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 closed Petitioner's FIP benefits effective May 1, 2018 and decreased her FAP benefits effective May 1, 2018.

DECISION AND ORDER

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

JM/cg



Jacquelyn A. McClinton
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

Via Email:

MDHHS- Calhoun-21- Hearings
MDHHS-OCS- Hearings
B. Sanborn
B. Cabanaw
M. Holden
D. Sweeney
BSC3- Hearing Decisions
MAHS

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]