



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]
Date Mailed: August 23, 2018
MAHS Docket No.: 18-006502
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

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 August 2, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department was represented by Anthony Couls, hearing facilitator, and Tiffany Heard, Office of Child Support Specialist Lead.

ISSUE

Did the Department of Health and Human Services (Department) properly sanction Petitioner's Food Assistance Program (FAP) benefits for noncooperation 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 is an ongoing FAP benefits recipient.
2. On May 1, 2018, Petitioner gave birth to her child, [REDACTED]
3. On May 10, 2018, the Department issued a Notice of Case Action informing Petitioner that her group size had been increased to two and her benefits were increased from \$192.00 to \$352.00 per month.
4. On May 16, 2018, the Department's OCS issued a First Customer Contact Letter that requested Petitioner provide information necessary to identify and locate the

absent parent of her child and instructed Petitioner to respond within 10 days. Exhibit B, pages 1-2.

5. On May 26, 2018, OCS issued a Final Customer Contact Letter that requested Petitioner provide information necessary to identify and locate the absent parent of her child and instructed Petitioner to respond by June 3, 2018. Exhibit B, pages 3-4.
6. On June 4, 2018, OCS determined that Petitioner was noncooperative with the Office of Child Support.
7. On [REDACTED] 2018, Petitioner returned to the Department a Child Support Response Form indicating that the child's father was [REDACTED], a 6'3" black male weighing 250 pounds with black hair and brown eyes. Exhibit C, pages 1-3.
8. On June 5, 2018, the Department issued a Notice of Case Action informing Petitioner that her group's benefits were being reduced to \$192.00 per month as a result of Petitioner's failure to cooperate with the Department's Office of Child Support. Exhibit A, pages 1-4.
9. On [REDACTED] 2018, the Department received Petitioner's request for a hearing protesting the noncooperation sanction on her Food Assistance Program (FAP) benefits.

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.

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including OCS, the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255, April 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. 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. An individual who is noncooperative with OCS is a disqualified member of the FAP group. BEM 212 (January 1, 2017), p. 8.

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 May 16, 2018. On May 26, 2018, a Final Customer Contact letter was issued to Petitioner from OCS with a return deadline of June 4, 2018. On [REDACTED], 2018, Petitioner went online and completed a Child Support Response Form. Petitioner indicated on the form that the father was [REDACTED]. However, Petitioner was unable to provide any contact information for the alleged father.

In a follow-up interview with Ms. Heard from the OCS, Ms. Heard asked Petitioner about a baby registry she found online indicating that the father was one [REDACTED]. In response to that question, Petitioner stated that she put [REDACTED] on the registry because she did not want people to know who the real father was.

During the hearing, Petitioner testified that [REDACTED] does not exist. When asked who the father was during the hearing, Petitioner for the first time stated that there were actually two potential fathers, one of whom had the last name [REDACTED] and the other of whom had the first name [REDACTED]. Because she did not know the first name of [REDACTED] or the last name of [REDACTED], she conflated the two and created [REDACTED].

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]. Shortly after being placed in non-cooperation status, Petitioner provided

knowingly false information regarding the potential father's identity. During the subsequent contact with Ms. Heard of the OCS, Petitioner lied about the identity of the father. 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 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, the Department's decision is AFFIRMED.



JM/dh

John Markey
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

Jeanenne Broadnax
25637 Ecorse Rd.
Taylor, MI 48180

Wayne County (District 18), DHHS

BSC4 via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

Department Representative

Office of Child Support (OCS)-MDHHS
201 N Washington Square
Lansing, MI 48933

Petitioner

[REDACTED]
[REDACTED]
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