



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

SHELLY EDGERTON  
DIRECTOR

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[REDACTED]  
[REDACTED] MI [REDACTED]

Date Mailed: September 26, 2018  
MAHS Docket No.: 18-008572  
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; 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 September 20, 2018, from Lansing, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Dionere Craft, Hearings Facilitator, and Renee Bouscher, Office of Child Support (OCS) Lead Specialist. During the hearing, a 19-page packet of documents was offered and admitted as Exhibit A, pp. 1-19.

**ISSUE**

Did the Department properly refuse to remove the sanction on 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 was an ongoing FAP benefits recipient.
2. On May 4, 2017, the Department's OCS issued to Petitioner a First Customer Contact Letter. The letter explained to Petitioner that the Department needed information regarding the non-custodial and unidentified father of one of her children that was living in her home and a member of her FAP group. The letter informed Petitioner that she was required to cooperate with OCS in establishing the paternity

of her child and that failure to do so would result in her case being sanctioned. She was given 10 days to cooperate. Exhibit A, pp. 11-12.

3. On May 14, 2017, the Department's OCS issued to Petitioner a Final Customer Contact Letter. The letter requested the same information as the First Customer Contact Letter and informed Petitioner that if she failed to comply by May 21, 2017, she will be considered noncooperative, which would result in a reduction in benefits or closure of her case. Exhibit A, pp. 14-15.
4. On May 22, 2017, the Department's OCS issued to Petitioner a Noncooperation Notice informing Petitioner that she is considered to be noncooperative because she did not respond to either the First Customer Contact Letter or the Final Customer Contact Letter. Petitioner was informed that her benefits would be reduced or cancelled as a result of this finding and gave Petitioner instructions on how to get the sanction lifted. Exhibit A, pp. 17-18.
5. In July 2018, Petitioner called the Department's OCS and informed them that she had additional information regarding the father of her child. Petitioner only gave vague, general information about the putative father. The case remained in noncooperation status. Exhibit A, p. 9.
6. On July 25, 2018, the Department issued to Petitioner a Verification Checklist (VCL) directing Petitioner to contact OCS to provide additional information regarding the putative father of her child. Exhibit A, pp. 4-5.
7. On August 6, 2018, Petitioner again called the Department's OCS and provided vague, general information about the putative father. However, the information provided in August of 2018 was different than the information provided in July of 2018 in important respects. Because the information was not sufficient to identify the putative father and was inconsistent with previous statements, the Department's OCS did not lift the noncooperation sanction. Exhibit A, p. 9.
8. On August 15, 2018, the Department received Petitioner's request for a hearing protesting the Department's refusal to remove the noncooperation sanction from Petitioner's Food Assistance Program (FAP) benefits case.

### **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, Petitioner was placed in noncooperation status back in May of 2017 and objects to the Department's refusal to remove the noncooperation sanction after Petitioner provided additional information in July and August of 2017. As stated above, once a client enters noncooperation status, he or she is a disqualified member until the client cooperates and has the sanction lifted. Cooperation includes providing all known information about the absent parent.

At the hearing, Petitioner revealed to the Department for the first time that she was friends with the absent parent on Facebook. Facebook profiles often contain contact information, social connections, interests, location, and other information that would be obviously highly relevant in finding and identifying a given person. Thus, Petitioner acknowledged under oath that she did not provide the Department all known information about the absent father. When combined with the fact that Petitioner gave knowingly false and contradictory accounts to the Department in her previous contacts with OCS, it is clear that Petitioner has not cooperated with OCS.

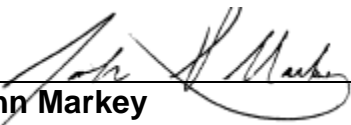
Thus, the Department followed Department policy by refusing to lift the noncooperation sanction from her case. If Petitioner would like to have the sanction removed, she must cooperate with the Department, and that includes providing forthright, honest, and complete information regarding the absent father of her child.

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 refused to remove the OCS noncooperation sanction from Petitioner's case.

#### **DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

JM/dh

  
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**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**

Demitra Owens  
12140 Joseph Campau  
Hamtramck, MI 48212

Wayne County (District 55), 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**

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