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GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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[REDACTED]
[REDACTED] MI [REDACTED]

Date Mailed: March 6, 2019
MAHS Docket No.: 19-000409
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

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 February 27, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Michele Hunter Eligibility Specialist. Tiffany Heard Lead Worker from the Office of Child Support also appeared and testified. Department Exhibit 1, pp. 1-15 was received and admitted.

ISSUE

Did the Department properly deny Petitioner's application for State Emergency Relief (SER) and properly exclude Petitioner from the Food Assistance Program (FAP) group due to child support sanction?

FINDINGS OF FACT

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

1. A noncooperation notice was sent to Petitioner on August 21, 2010, because Petitioner failed to respond to letters sent to her by the Department regarding establishing paternity for her child.
2. Petitioner applied for State Emergency Relief seeking assistance for heat and electricity.

3. On December 11, 2018, a State Emergency Relief Decision Notice was issued denying Petitioner's application because she failed to cooperate with child support requirements.
4. On December 27, 2018, Explanation of Noncooperation Determination was sent to Petitioner that states "Client failed to provide verifiable identifying information for the father of her son, [REDACTED] [REDACTED]"
5. On January 2, 2019, Notice of Case Action was sent to Petitioner informing her that she was approved for FAP for a group size of 2.
6. On January 14, 2019, Petitioner requested hearing disputing the sanction on her 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.

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Families are strengthened when children's needs are met. 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. 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. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (January 1, 2018), pp 1-2.

On August 21, 2010, Petitioner was found to be noncooperative with attempts by the Office of Child Support to identify and locate the absent parent of her child. The Department placed a sanction on Petitioner's benefits due to this noncooperation as directed by BEM 255.

This noncooperation sanction remained in place when Petitioner applied for FAP and SER benefits on December 10, 2018. On November 9, 2017, the Department requested that Petitioner contact the Office of Child Support and provide verification of her cooperation so that her eligibility for benefits could be accurately determined. Petitioner contacted the Office of Child Support several times but did not provide sufficient information to identify the absent parent of her child.

At application, client has 10 days to cooperate with the Office of Child Support. The Department will inform the client to contact the Office of Child Support by sending a verification check list. The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is not a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending; see Good Cause for Not Cooperating in this item.

BEM 255, p 12.

Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual and his/her needs are removed from the FAP EDG for a minimum of one month. The remaining eligible group members will receive benefits. BEM 255, p 14.

The Department's representative testified that Petitioner's application was denied for failure to cooperate with the Office of Child Support.

In this case, Petitioner testified that she provided all the information she has to the Department regarding who she believes is the father of her child.

Tiffany Heard from the Office of Child Support questioned Petitioner at hearing about her child's hyphenated last name of [REDACTED] and inquired about whether a [REDACTED] [REDACTED] who resided in the same home as Petitioner could be the father of her son. Petitioner denied that [REDACTED] [REDACTED] was the father of her son. Petitioner did not deny that [REDACTED] [REDACTED] resided with her for a period of time. Petitioner testified that her son was given the name [REDACTED] because of a female family friend whom helped her during

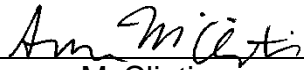
her pregnancy. Petitioner's testimony about her son's last name was not credible. The undersigned Administrative Law Judge finds that Petitioner has more information about the father of her child than she has provided to the Department. Therefore, the imposition of child support sanction was proper and correct. BEM 255, 45 CFR 264.30

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 imposed noncooperation with child support sanction.

DECISION AND ORDER

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

AM/nr



Aaron McClintic
Administrative Law Judge
for Robert Gordon, 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

Department Representative

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

Wayne 57 County DHHS- via electronic
mail

BSC4- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

T. Bair- via electronic mail

E. Holzhausen- via electronic mail

DHHS

Richard Latimore
4733 Conner
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Petitioner

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