



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS  
DIRECTOR

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MI [REDACTED]

Date Mailed: July 10, 2019  
MOAHR Docket No.: 19-005671  
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 July 3, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Kim Seiter. Theresa Sharpe, from the Office of Child Support, appeared and testified. Department Exhibit 1, pp. 1-20 was received and admitted.

### **ISSUE**

Did the Department properly determine that Petitioner was not cooperative in establishing the paternity of her children?

### **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 a recipient of Food Assistance Program (FAP) and Child Development and Care (CDC) benefits.
2. On February 14, 2019, Petitioner was sent a customer contact letter instructing her to contact the Office of Child Support.
3. On February 14, 2019, a Final Customer Contact Letter was sent to Petitioner requesting information regarding parent not living in the home. (Ex.1, p. 10)
4. On March 5, 2019, a Noncooperation Notice was sent to Petitioner for failure to provide the Office of Child Support with identifying information about the parent not in the home.

5. On May 13, 2019, Notice of Case Action was sent to Petitioner informing her that Child Development and Care (CDC) was closing on May 26, 2019 and Food Assistance Program (FAP) was closing on June 1, 2019 due to failure to cooperate with the Office of Child Support.
6. On May 23, 2019, Petitioner requested hearing disputing the closure of FAP and CDC 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.

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.

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

In this case, Petitioner testified that her children were conceived from a one-night stand and she has provided all information available to her about the putative father to the Office of Child Support.

Petitioner's children have the last name of Petitioner's former boyfriend. Petitioner testified that her former boyfriend had a vasectomy prior the conception of her children and that he later had a medical examination that conformed the effectiveness of the procedure. Petitioner's former boyfriend has not completed a paternity test.

Petitioner disclosed the first name of a putative father and the name of the bar where she met this person but did not take any additional steps in an effort to identify this

person, like going to the bar and inquiring about customers with the same first name. At hearing, Petitioner was asked if she could make those attempts to get more information about the putative father and Petitioner provided a series of excuses why she would not be able to do so. The undersigned Administrative Law Judge finds that Petitioner was not sufficiently cooperative in identifying the putative father of her children. BEM 255

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 determined that Petitioner was not cooperative with the Office of Child Support in identifying the putative father of her children.

**DECISION AND ORDER**

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

AM/nr



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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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules  
Reconsideration/Rehearing Request  
P.O. Box 30639  
Lansing, Michigan 48909-8139

**DHHS**

Julie Claffey  
725 Richard Drive  
Harrison, MI  
48625

Clare County DHHS- via electronic mail

BSC2- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

L. Brewer-Walraven- via electronic mail

**Department Representative**

MDHHS- Office of Child Support (OCS)  
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Lansing, MI  
48933

**Petitioner**

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