



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: December 13, 2019
MOAHR Docket No.: 19-011934
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 December 5, 2019, from Lansing, Michigan. The Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Anissa Ali, Lead Child Support Specialist, appeared and testified from the Office of Child Support for the Department. Teresa Farrington, FIM and Ms. McLaughlin also testified for the Department. Department Exhibit 1, pp. 1-33 was received and admitted. Petitioner Exhibit A, pp. 1-8 was received and admitted.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP), Food Assistance Program (FAP) and Medical Assistance (MA) cases for failing to cooperate with the Office of Child Support?

FINDINGS OF FACT

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

1. On September 26, 2019, Petitioner's newborn son was added to her case.
2. On October 21, 2019 Petitioner was determined to be non-cooperative with the Office of Child Support. (Ex. 1, p. 30)
3. On October 22, 2019, Notice of Case Action was sent to Petitioner informing her that her FIP would close and her FAP would be modified because she was not cooperative with the Office of Child Support.

4. On [REDACTED] [REDACTED] [REDACTED] Petitioner requested hearing disputing the closure of FIP and changes to FAP.
5. Petitioner failed to cooperate with the Office of Child Support in providing identifying information about the father of her child.

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.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

DEPARTMENT POLICY

Family Independence Program (FIP), Child Development and Care (CDC) Income Eligible, Medicaid (MA) and Food Assistance Program (FAP)

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 mental illness precludes her being able to provide information about the father of her child because the child was conceived during a manic episode. Petitioner testified that her memory is limited when she is in a manic episode and her behavior is erratic. Petitioner testified that she uses drugs and gets

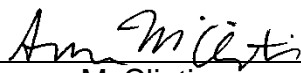
tattoos when she is manic. Petitioner provided some psychological records confirming her diagnosis of Bipolar Affective Disorder with Psychosis, those records were from 2007. Petitioner failed to present sufficient medical records to confirm that her mental health symptoms are as severe as she testified to. Petitioner's testimony that she has no information regarding the father of her youngest child was not credible. Therefore, the closure of FIP and modification of FAP for failing to cooperate with the Office of Child Support was proper and correct. 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 closed Petitioner's FIP case and modified FAP benefits.

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 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

Jackie Stempel
2700 Baker Street
P.O. Box 4290
Muskegon Heights, MI
49444

Muskegon County DHHS- via electronic
mail

DHS-OSC- via electronic mail

BSC3- via electronic mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

G. Vail- via electronic mail

B. Cabanaw- via electronic mail

D. Smith- via electronic mail

EQAD- via electronic mail

Petitioner

[REDACTED]
[REDACTED], MI