



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: March 29, 2017
MAHS Docket No.: 17-002516
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on March 22, 2017, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Candice Bennis, Hearing Facilitator. Tiffany Heard, Lead Specialist with the Office of Child Support (OCS), appeared as a witness on the Department's behalf.

ISSUE

Did the Department properly close Petitioner's Family Independence Program (FIP) case?

Did the Department properly reduce Petitioner's Food Assistance Program (FAP) benefits?

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 recipient of FIP and FAP benefits.
2. Petitioner has three household members: herself and her two minor children, one eight years old and the other three months old (Child A).

3. On February 9, 2017, OCS sent Petitioner a Noncooperation Notice advising her that she was in noncooperation with the child support program concerning Child A (Exhibit D).
4. On an unknown date, the Department sent Petitioner a Notice of Case Action notifying her that, because of her noncooperation with child support reporting obligations, effective March 1, 2017 her FIP case was closing and, because she was being removed from her FAP group as a disqualified member, her FAP benefits were being decreased for a group size of two.
5. On ██████████ 2017, the Department received Petitioner's request for hearing disputing the closure of her FIP case and the reduction of her 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 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.

Petitioner requested a hearing disputing the closure of her FIP case and the reduction of her FAP benefits. The February 11, 2017 Notice of Case Action explained that the actions were due to Petitioner's failure to cooperate in establishing paternity or securing child support.

As a condition of FIP and FAP eligibility, a custodial parent must comply with all requests by OCS for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance. BEM 255 (January 2017), p. 1. Cooperation includes providing all known information about the absent parent. BEM 255, p. 9.

In this case, Petitioner called OCS on February 16, 2017 and reported that Child A was the product of a one-night stand with a stranger named "████" that she met online. She explained that she met him at a bar in ██████████ and they went to a motel. She also referenced that she had a boyfriend at the time of Child A's conception that she had cheated on with "████" but that the boyfriend had submitted to a DNA test through a private company and the results of the test excluded him as Child A's father. OCS concluded that Petitioner was not in compliance in supplying information concerning "████" because she failed to provide identifying information. OCS also explained that, because Petitioner had denied that her boyfriend was the father of the child, it could not put Petitioner in compliance with her child support reporting obligations while it investigated his potential paternity.

Under the circumstances presented, where Petitioner concedes that she had a boyfriend at the time she had intercourse with "████" resulting in Child A's conception, the Department could properly conclude that, by failing to provide the boyfriend's name as a potential father, Petitioner did not provide all known information about the absent parent in order to allow OCS to conduct a thorough investigation. Any individual required to cooperate who fails to cooperate without good cause causes FIP group ineligibility for the latter of one month or until compliance. BEM 255, p. 13. Therefore, the Department acted in accordance with Department policy when it closed Petitioner's FIP case for failing to cooperate with her child support reporting obligations.

With respect to FAP, clients who do not cooperate with their child support reporting obligations and have no good cause for their failure to cooperate are disqualified members of their FAP groups. BEM 212 (January 2017), p. 8; BEM 255, p. 14. Thus, the Department acted in accordance with Department policy when it removed Petitioner as a disqualified member of her FAP group based on the child support noncooperation. Although Petitioner is removed from her FAP group, the Department properly continued to issue FAP benefits for a two-member household consisting of Petitioner's two children. BEM 550 (January 2017), p. 3.

DECISION AND ORDER

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 decreased her FAP benefits.

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



ACE/tlf

Alice C. Elkin
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) 335-6088; 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

Via Email:

DHHS Hearings Coordinator – 49
BSC4 Hearing Decisions
Office of Child Support
B. Cabanaw
M. Holden
D. Shaw
D. Sweeney
MAHS

Petitioner – Via First-Class Mail:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]