



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: August 15, 2019
MOAHR Docket No.: 19-007188
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 August 7, 2019, from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Michelle Laux, PATH Worker. During the hearing, a 12-page packet of documents was offered and admitted into evidence as Exhibit A, pp. 1-12.

ISSUE

Did the Department properly deny Petitioner's application for Food Assistance Program (FAP) benefits?

Did the Department properly deny Petitioner's application for Family Independence Program (FIP) cash assistance?

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 April 8, 2019, Petitioner gave birth to her son.
2. On [REDACTED], 2019, Petitioner submitted to the Department an application for FAP benefits and FIP cash assistance. Exhibit A, p. 6.
3. On May 23, 2019, the Department issued to Petitioner a Verification Checklist to gather relevant information regarding Petitioner's eligibility for FAP and FIP

benefits. The document informed Petitioner that she needed to provide the verifications by June 3, 2019. Petitioner was also directed to "Contact the Office of Child Support at 1-866-540-0008 to comply with Child Support requirements." Exhibit A, pp. 7-8.

4. Petitioner received the Verification Checklist and uploaded the requested documents to the Department's online system. However, Petitioner did not contact the Department's Office of Child Support (OCS).
5. On June 5, 2019, the Department issued to Petitioner a Notice of Case Action informing Petitioner that her [REDACTED] 2019 application for FAP and FIP benefits was denied as a result of Petitioner's failure to comply with the OCS. Exhibit A, pp. 9-12.
6. On [REDACTED], 2019, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of her application.

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.

In this case, Petitioner applied for FIP and FAP benefits on [REDACTED], 2019. As one of Petitioner's household members was Petitioner's newborn son and a father was not listed, the Department needed information from Petitioner regarding his father. The Department issued to Petitioner a May 23, 2019 Verification Checklist directing Petitioner to contact the Department's OCS. Petitioner did not follow that directive. As a result, the Department denied Petitioner's application via a June 5, 2019 Notice of Case Action. Petitioner timely requested a hearing objecting to the Department's decision.

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 2019), p. 1. 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, pp. 9-10. Cooperation is a condition of FIP and FAP eligibility. BEM 255, p. 11. At application, a client has 10 days to cooperate with the OCS. BEM 255, p. 12. The Department informed the client to contact the OCS in a Verification Checklist. BEM 255, p. 12. Disqualification is imposed if the client fails to cooperate on or before the Verification Checklist due date. BEM 255, pp. 12-13.

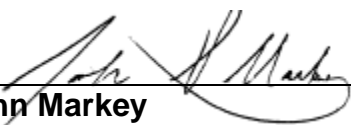
The Department followed Department policy upon receiving Petitioner's [REDACTED], 2019 application for FIP and FAP benefits by sending out the May 23, 2019 Verification Checklist. Petitioner received the document but did not follow the directions and contact the OCS. When the deadline for compliance with the Verification Checklist passed without Petitioner having done so, the Department followed law and Department policy by denying Petitioner's application.

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 denied Petitioner's [REDACTED], 2019 application for FAP benefits and FIP cash assistance.

DECISION AND ORDER

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

JM/cg



John Markey
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

Via Email:

MDHHS-Macomb-20-Hearings
Office of Child Support (OCS)-MDHHS
B. Sanborn
B. Cabanaw
M. Holden
D. Sweeney
BSC4- Hearing Decisions
MOAHR

Petitioner – Via First-Class Mail:

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