



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 11, 2019  
MOAHR Docket No.: 19-011795  
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, an In-person hearing was held on December 3, 2019, from Lansing, Michigan. The Petitioner was represented by herself. Petitioner's mother, [REDACTED] [REDACTED] also appeared and testified. The Department of Health and Human Services (Department) was represented by Amber Gibson, Hearing Facilitator. Department Exhibit 1, pp. 1-38 was received and admitted.

### **ISSUE**

Did the Department properly close Petitioner's Child Development and Care (CDC) benefit and Food Assistance Program (FAP) benefit 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. Petitioner was a recipient of FAP and CDC benefits.
2. On July 16, 2019, a First Customer Contact Letter was sent to Petitioner requesting information about the father of her child.
3. On July 26, 2019, a Final Customer Contact Letter was sent to Petitioner requesting information about the father of her child.
4. On August 4, 2019, a Noncooperation Notice was sent to Petitioner.

5. On August 5, 2019 Notice of Case Action was sent to Petitioner informing her that her CDC and FAP benefits were closing for failing to cooperate with the Office of Child Support.

### **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.

### **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, the Department sent three letters to Petitioner requesting information about the father of her children. After Petitioner failed to respond to the three letters, the Department closed Petitioner's case for failing to cooperate with the Office of Child Support. The Department did not receive any of the letters back from the Post Office. Petitioner failed to respond to several requests for information about the father of her children, therefore the closure for failing to cooperate with the Office of Child Support was proper and correct. BEM 255

Petitioner testified that she did not receive any letters requesting information about the father of her children. Petitioner testified that once she was made aware that information was needed regarding the father of her children, she provided the information and was found to be in cooperation with the Office of Child Support. Petitioner testified that she

was having difficulty with her mail but took no action with the Postal Service. Petitioner questioned why the information regarding the father of her children was not requested in the initial verification checklist sent to her. A referral was made to the Office of Child Support and then that office sent the requests to Petitioner. Petitioner had an ongoing responsibility to provide requested information to the Department. By failing to ensure that she was receiving all her mail, Petitioner did not meet that responsibility. Therefore, the closure of her FAP and CDC cases was proper and correct.

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 CDC and FAP cases for failing to cooperate with the Office of Child Support.

### **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**

Amber Gibson  
5303 South Cedar  
PO Box 30088  
Lansing, MI  
48911

Ingham County DHHS- via electronic mail

BSC2- via electronic mail

MDHHS- OCS hearings- via electronic  
mail

M. Holden- via electronic mail

D. Sweeney- via electronic mail

L. Brewer-Walraven- via electronic mail

**Petitioner**

[REDACTED] - via first class Mail

[REDACTED]  
[REDACTED], MI  
[REDACTED]