



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], MI [REDACTED]

Date Mailed: June 23, 2022  
MOAHR Docket No.: 22-001472  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: Zainab A. Baydoun**

### **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 June 21, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Khaled Abouelazm, Case Manager. Patricia Bregg, Lead Worker was present on behalf of the Office of Child Support.

### **ISSUE**

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

Did the Department properly determine that Petitioner was ineligible for Food Assistance Program (FAP) benefits on the basis that she was in noncooperation with child support requirements?

### **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 previously an ongoing recipient of FIP and FAP benefits.
2. On or around March 1, 2022, and March 11, 2022, the Office of Child Support (OCS) sent Petitioner first and second contact letters instructing her to contact OCS and provide information on the absent parent of Child A. On or around March 20, 2022, the OCS sent Petitioner a Noncooperation Notice advising her that she was found to be in noncooperation with child support requirements.

- a. Petitioner asserted that she did not receive any of the letters from OCS and OCS conceded that the letters were mailed to an incorrect address as the address mistakenly included an apartment number.
3. On or around March 20, 2022, the Department placed Petitioner in noncooperation with child support requirements and determined she was ineligible for FAP and FIP benefits. (Exhibit A, p. 4)
4. On March 22, 2022, the Department sent Petitioner a Notice of Case Action advising her that effective May 1, 2022, she was disqualified from the FAP group and determined ineligible for FAP benefits based on her noncooperation with child support requirements. The other members of Petitioner's household continued to be eligible for FAP benefits. (Exhibit A, pp. 6-9)
5. On March 22, 2022, the Department sent Petitioner a Notice of Case Action, advising her that effective May 1, 2022, her FIP case would be closed and her household ineligible for FIP benefits because she failed to cooperate with child support requirements. (Exhibit A, pp.10 – 14)
6. On or around April 1, 2022, the Department sent Petitioner a Notice of Case Action, advising her that effective May 1, 2022, her household size was being increased to 7 members, as Petitioner's newborn child was added to the group. Petitioner's household FAP benefits were increased to \$1,209 monthly; however, she remained disqualified from the FAP group. (Exhibit A, pp.16 – 20)
7. On or around April 1, 2022, Petitioner contacted the Department and OCS to provide information on the father of Child A. (Exhibit A, p.21)
8. The OCS determined that the information provided was insufficient and Petitioner continued to be disqualified from the FAP and her household ineligible for FIP benefits.
9. On or around April 1, 2022, Petitioner requested a hearing disputing the Department's actions with respect to her FIP and FAP benefits. (Exhibit A, p.3)

### **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, the Department testified that Petitioner's FIP case was closed, and she was disqualified from the FAP group because she was found to be in noncooperation with child support requirements with respect to Child A.

The custodial parents 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. Absent parents are required to support their children. Support includes **all** of the following: child support, medical support and payment for medical care from any third party. BEM 255 (January 2020), pp. 1, 9-13. A client's cooperation with paternity and obtaining child support is a condition of CDC eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p. 9-13. For ongoing or active FAP cases, a failure to cooperate without good cause will result in member disqualification of the individual who failed to cooperate. BEM 255, p. 14. Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month for FIP cases. BEM 255, pp. 9-13. The Department will not restore or reopen benefits for a disqualified member until the client cooperates. BEM 255, pp. 14-15.

Although the OCS representative testified that contact letters and a noncooperation notice were sent to Petitioner instructing her to contact OCS to provide information on the absent parent of Child A, it was established during the hearing that Petitioner did not receive the letters, as they were sent to an incorrect mailing address. There was some information to indicate that Petitioner had previously been placed in cooperation with child support requirements as it relates to Child A in 2015 and again in 2016. It was unclear why Petitioner's cooperation status changed in 2022, other than an explanation that the birth of Petitioner's newborn triggered a review of all of Petitioner's prior OCS cases. The OCS and Department representatives testified that they had a telephone meeting with Petitioner on or around April 1, 2022, during which she provided information regarding the father of Child A. However, the Department and OCS determined that the information was insufficient and conflicting with that which was provided in previous years. As a result, the Department and OCS concluded that Petitioner continued to be in noncooperation with child support requirements.

At the hearing, Petitioner testified that Child A is now almost 16 years old, and that Petitioner was 19 when she had the child. Petitioner testified that she was underage and at a bar when she met the father of Child A. She reported that she provided OCS with the information that he had previously given her, including his name of [REDACTED]. Petitioner provided a physical description and testified that he has tattoos on his arms and neck. Petitioner reported that she provided OCS with different information in 2016 because she was instructed to ask around in the neighborhood to see if anyone had any information about him. She stated that she provided OCS with the information given to her by others in the neighborhood specifically, a different name, date of birth, and the previous location of his now deceased grandmother's home. Petitioner testified that she was informed the father of Child A had gone to prison for a few years after the child's birth, but she has no knowledge of his current whereabouts. Petitioner testified that she provided OCS and the Department with all of the identifying information that she had available to her regarding the father of Child A.

Under the facts presented, the Department and the OCS have failed to establish that Petitioner had additional information regarding the father's identity that she failed to disclose, thereby, making her ineligible for FIP and FAP benefits.

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 did not act in accordance with Department policy when it determined that Petitioner was in noncooperation with child support requirements and subsequently closed her FIP case and disqualified her from the FAP group.

### **DECISION AND ORDER**

Accordingly, the Department's FIP and FAP decisions are **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support noncooperation sanction/disqualification imposed on Petitioner's cases;
2. Recalculate Petitioner's FAP budget to include her as an eligible member of her FAP group for May 1, 2022, ongoing;
3. Reinstate Petitioner's FIP case effective May 1, 2022, ongoing;
4. Issue FAP and FIP supplements to Petitioner from May 1, 2022, ongoing, for any benefits that she was eligible to receive but did not; and

5. Notify Petitioner in writing of its decision.

ZB/ml

  
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**Zainab A. Baydoun**  
Administrative Law Judge

**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-Electronic Mail :**

**Department Representative**  
Office of Child Support (OCS)-MDHHS  
201 N Washington Square  
Lansing, MI 48933  
**MDHHS-OCS-Admin-Hearings**

**DHHS**  
Chelsea McCune  
Macomb County DHHS Warren Dist.  
27690 Van Dyke  
Warren, MI 48093  
**MDHHS-Macomb-20-Hearings**

**Interested Parties**

BSC4  
M. Holden  
D. Sweeney  
G. Vail  
B. Cabanaw

**Via-First Class Mail :**

**Petitioner**

[REDACTED]  
[REDACTED]  
[REDACTED], MI [REDACTED]