



GRETCHEN WHITMER
GOVERNOR

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

ORLENE HAWKS
DIRECTOR

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██████████, MI ██████████

Date Mailed: October 4, 2022
MOAHR Docket No.: 22-003578
Agency No.: ██████████
Petitioner: ██████████

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 September 28, 2022, from Detroit, Michigan. Petitioner appeared for the hearing and represented himself. The Department of Health and Human Services (Department) was represented by Michelle Collins, Hearing Facilitator. Fallon Meyers, Lead Support Specialist appeared on behalf of the Office of Child Support (OCS). Ranita Roy served as Bengali interpreter.

ISSUE

Did the Department properly determine Petitioner's eligibility for 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's household was a previous recipient of FAP benefits. On an unverified date, Petitioner's FAP case closed.
2. On or around ██████████ 2022, Petitioner submitted an application requesting FAP benefits. Petitioner identified himself, his wife, and child as household members. (Exhibit A, pp. 6-13)
3. On or around July 28, 2022, the Department sent Petitioner a Verification Checklist (VCL) instructing him to contact the office of child support by August 8, 2022, to comply with child support requirements. (Exhibit A, pp 14 – 15)

4. On or around August 17, 2022, the Department sent Petitioner a Notice of Case Action, advising him that his wife and child were approved for FAP benefits, but he was ineligible and removed from the FAP group due to a failure to cooperate with child support requirements. (Exhibit A, pp.16 – 21)
5. Petitioner requested a hearing disputing the Department actions with respect to his FAP case.

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 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. The Department will not restore or reopen benefits for a disqualified member until the client cooperates. BEM 255, pp. 14-15.

At the hearing, the representative from the OCS testified that Petitioner had been placed in noncooperation with child support requirements on or around June 19, 2021. The Department testified that Petitioner's wife, who is also the mother of the child, was incorrectly coded in Bridges as being outside of the household, which triggered the issuance of the VCL instructing Petitioner to contact the OCS to provide information on the absent parent. The Department testified that this was an error, as Petitioner's wife had always been a household member and there was no absent parent. The OCS representative testified that after receiving this information from the Department, it issued a cooperation letter to Petitioner, and backdated his cooperation date to June 19, 2021. The Department testified that the noncooperation sanction was removed and Petitioner

was re-added to the FAP group as an eligible household member effective July 7, 2022. Although the Department testified that the ██████ 2022, FAP application was reprocessed and Petitioner was approved for FAP benefits for the month of July 2022, the Department conceded that for an unknown reason, Petitioner was removed from the household again for August 2022 and September 2022. The Department acknowledged that Petitioner is eligible for FAP benefits beginning with the application date of ██████, 2022, and ongoing, as the issue with noncooperation with child support requirements has been resolved. The Department testified that Petitioner should also receive FAP benefits for the months of August 2022 and September 2022, ongoing.

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 processed Petitioner's FAP benefits.


DECISION AND ORDER

Accordingly, the Department's decision is **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. If not already completed, remove the child support noncooperation sanction imposed on Petitioner's case;
2. Reprocess Petitioner's ██████ 2022, FAP application and include him as eligible member of the FAP group from the application date ongoing;
3. Issue FAP supplements to Petitioner for any benefits that he was eligible to receive but did not for the months of July 2022, August 2022, September 2022, and ongoing in accordance with Department policy; and
4. Notify Petitioner in writing of its decision.

ZB/tm



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
235 S. Grand Avenue Ste. 810
Lansing, MI 48903
**DHS-OCS-Admin-
Hearings@michigan.gov**

DHHS
Caryn Jackson
Wayne-Hamtramck-DHHS
12140 Joseph Campau
Hamtramck, MI 48212
**MDHHS-Wayne-55-
Hearings@michigan.gov**

Interested Parties
M. Holden
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BSC4

Via-First Class Mail :

Petitioner
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