



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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Date Mailed: December 22, 2022
MOAHR Docket No.: 22-005372
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Colleen Lack

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 December 15, 2022, from Lansing, Michigan. [REDACTED] the Petitioner, appeared on her own behalf. The Department of Health and Human Services (Department) was represented by Danielle Oshesky, Hearing Coordinator; and Ellen Myers, Lead Support Specialist.

During the hearing proceeding, the Department's Hearing Summary packet was admitted as Exhibit A, pp. 1-20.

ISSUES

Did the Department deny Food Assistance Program (FAP) benefits for Petitioner?

Did the Department properly deny Petitioner's application for State Emergency Relief (SER)?

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 March 30, 2022, Petitioner was found to be in non-compliance with the Office of Child Support (OCS) requirements. (Exhibit A, p. 17)
2. On [REDACTED] 2022, Petitioner applied for SER for assistance with moving expenses and security deposit. (Hearing Coordinator Testimony)

3. On October 20, 2022, a SER Decision Notice was issued to Petitioner stating her application was denied based on non-cooperation with OCS requirements. (Exhibit A, pp. 18-20)
4. On November 3, 2022, Petitioner filed a hearing request contesting a denial of FAP. (Exhibit A, p. 3)
5. Petitioner's FAP case remains open. (Hearing Coordinator Testimony)

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).

FAP

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's hearing request stated she had been denied FAP benefits. However, the Hearing Coordinator confirmed that Petitioner's FAP case remains open. Accordingly, there is no FAP case action to review at this time. Petitioner's November 3, 2022 Hearing Request is therefore dismissed in regards to FAP.

SER

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. Bridges Eligibility Manual (BEM) 255, October 1, 2022, p. 1.

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, p. 1.

The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending: grantee (head of household) and spouse; specified relative/individual acting as a parent and spouse; and parent of the child for whom paternity and/or support action is required. 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 assumed until negative action is applied as a result of non-cooperation being entered. The non-cooperation continues until a comply date is entered by the primary support specialist or cooperation is no longer an eligibility factor. BEM 255 p. 11.

There are two types of good cause: (1) cases in which establishing paternity/securing support would harm the child, and (2) cases in which there is danger of physical or emotional harm to the child or client. BEM 255 pp. 3-4.

If a client claims good cause, both the specialist and the client must sign the DHS-2168. The client must complete Section 2, specifying the type of good cause and the individual(s) affected. BEM 255 p. 4.

Groups that are non-cooperative with the OCS are also ineligible for SER. ERM 203, October 1, 2018, p. 2.

In this case, Petitioner's [REDACTED] 2022 application was denied based on Petitioner having been found to be in non-cooperation with OCS. On March 30, 2022, Petitioner was found to be in non-compliance with OCS requirements. (Exhibit A, p. 17)

Petitioner explained the circumstances that resulted in pregnancy. Around that time, Petitioner was partying with multiple people. Petitioner did not have the real names of any of the men, went to multiple parties, had multiple partners, and did not know she was pregnant until the morning sickness started. With most of the men it was a onetime encounter. Petitioner asserted that she could not even begin to search for her child's father and she has no idea how to prove that she does not know who the father is. (Petitioner Testimony)

Ultimately, Petitioner had not provided any information to OCS to try to identify the father of her child. Petitioner's testimony indicated she had not taken steps to begin looking for her child's father, such as starting by talking to the friends she went partying with to see if they can help identify any of the men. Further, there was no evidence that

Petitioner has claimed good cause based on either: establishing paternity/securing support would harm the child, or there is danger of physical or emotional harm to the child or client.


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 application for SER.

DECISION AND ORDER

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

Petitioner's hearing request in regards to FAP is **DISMISSED** as no action has been taken regarding FAP.

CL/ml



Colleen Lack
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@michigan.gov

DHHS
Amber Gibson
Ingham County DHHS
5303 South Cedar
Lansing, MI 48911
MDHHS-Ingham-Hearings@michigan.gov

Interested Parties

BSC2
K Schulze
E Holzhausen
M Holden
D Sweeney
MOAHR

Via First Class Mail :

Petitioner

[REDACTED]
[REDACTED] MI [REDACTED]