



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: April 5, 2023
MOAHR Docket No.: 23-001104
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Linda Jordan

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 hearing was held on March 29, 2023 via teleconference. Petitioner appeared and represented herself. Catherine Wolsey, Family Independence Specialist, appeared on behalf of the Michigan Department of Health and Human Services (MDHHS or Department). Tiffany Heard, Lead Worker, appeared on behalf of the Office of Child Support (OCS).

ISSUE

Did MDHHS properly terminate Petitioner's Family Independence Program (FIP/cash assistance) and reduce Petitioner's Food Assistance Program (FAP) benefit rate due to 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 an ongoing recipient of FIP and FAP benefits on behalf of herself and her son.
2. On November 2, 2022, MDHHS sent Petitioner a Verification Checklist (VCL) requesting proof of her wages and residential address (Exhibit A, pp. 8-9).
3. On November 30, 2022, Petitioner filed a FAP renewal (Exhibit A, p. 6).
4. On December 7, 2022, MDHHS placed Petitioner in noncooperation status for failing to comply with child support requirements (Exhibit A, p. 12).

5. On January 31, 2023, MDHHS sent Petitioner a Notice of Case Action indicating that her FIP/cash assistance case would be closed, effective March 1, 2023 ongoing, for failing to cooperate in establishing paternity or securing child support (Exhibit A, pp. 13-14). The notice also indicated that her FAP benefit rate was reduced from December 1, 2022 through November 30, 2023 (Exhibit A, pp. 15-16). Petitioner was excluded from the FAP group for failing to cooperate with child support requirements (Exhibit A, p. 16).
6. On February 22, 2023, Petitioner filed a Request for Hearing to dispute the closure of her FIP case and the reduction in her FAP benefits (Exhibit A, pp. 4-5).

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. MDHHS 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. MDHHS 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, MDHHS terminated Petitioner's FIP benefits and excluded Petitioner from her FAP group for failing to comply with child support requirements, which resulted in a reduction of her FAP benefits.

As a condition of FIP and FAP eligibility, custodial parents or alternative caretakers of children must comply with all requests from the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney (PA) 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 (October 2022), p. 1. Failure to cooperate without good cause results in disqualification, which may include removing a group member from the group or the denial or closure of program benefits. BEM 255, p. 2. When OCS, FOC or a PA determine that a client is in cooperation or is in noncooperation, the determination is entered into Bridges, MDHHS' internal case management and eligibility program. *Id.*

Here, OCS testified that Petitioner was placed in noncooperation status based on her failure to cooperate with the PA's office in Oakland County. OCS stated that Petitioner failed to return a questionnaire or mailer by the deadline. OCS further testified that the noncooperation sanction was resolved and removed from Petitioner's account on February 7, 2023. In response, Petitioner testified that she did not receive the communications from the PA because they were sent to the wrong address. She further testified that she notified MDHHS of an address change prior to this time, but MDHHS did not update her information in a timely manner. Petitioner's testimony was credible and un rebutted.

Based on the evidence presented, MDHHS had failed to satisfy its burden of showing that Petitioner was intentionally not cooperating with child support requirements. She did not submit the paperwork to the PA by the deadline because it was sent to her former address and she did not receive it.

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 MDHHS failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Petitioner's FIP case and reduced her FAP benefit rate.

DECISION AND ORDER

Accordingly, MDHHS' decision is **REVERSED**.

MDHHS 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 noncooperation sanction or penalty applied to Petitioner on or about December 7, 2022;
2. Redetermine Petitioner's FAP benefit rate for a group of two beginning December 1, 2022 ongoing;
3. Issue supplemental FAP benefits for any benefits that Petitioner was eligible to receive, but did not, from December 1, 2022 ongoing;
4. Reinstate Petitioner's FIP case and redetermine Petitioner's eligibility for FIP, beginning March 1, 2023 ongoing;
5. Issue supplemental FIP benefits to Petitioner for any benefits that she was entitled to receive, but did not, from March 1, 2023 ongoing; and

6. Notify Petitioner of its decision(s) in writing.



Linda Jordan
Administrative Law Judge

LJ/tm

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 :

DHHS

Yvonne Hill
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Interested Parties

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Via-First Class Mail :

Petitioner

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