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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
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DETROIT, MI 48205

Date Mailed: January 11, 2024
MOAHR Docket No.: 23-008711
Agency No.: 111333988
Petitioner: Christina Dorsette

ADMINISTRATIVE LAW JUDGE: Ellen McLemore

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 January 8, 2024, via conference line. Petitioner was present and was unrepresented. The Department of Health and Human Services (Department) was represented by Eileen Kott, Family Independence Manager; Denise Newsome, Eligibility Specialist; and Jeff Koteles, Lead Worker with the Office of Child Support (OCS).

ISSUE

Did the Department properly decrease Petitioner's Food Assistance Program (FAP) benefits for failing to cooperate with OCS?

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 FAP recipient.
2. In July 2023, Petitioner completed a redetermination related to her FAP benefit case.
3. On August 29, 2023, the Department sent Petitioner a Notice of Case Action informing Petitioner that she was eligible for FAP benefits, with a group size of one, as she was disqualified from the FAP group for failing to cooperate with OCS (Exhibit A, pp. 18-29).

4. On November 27, 2023, Petitioner submitted a request for hearing disputing the Department's actions related to her FAP and Child Development and Care (CDC) benefit cases.

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.

Additionally, Department policy requires the custodial parent of children to 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 (January 2017), p. 1. Cooperation is a condition of eligibility. BEM 255, p. 9. Cooperation includes: 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, p. 9.

In this case, Petitioner was placed in noncooperation status by OCS on October 29, 2021. In July 2023, Petitioner completed a redetermination related to her FAP benefit case. Petitioner was approved for FAP benefits for her daughter only, as Petitioner was disqualified from the FAP group as a result of her noncooperation status with OCS.

The Department testified Petitioner was initially placed in noncooperation status on October 29, 2021, for her failure to respond to OCS' contact letters. Petitioner contacted OCS on February 28, 2022. Petitioner reported that she did not know the identity of the father of her child. Petitioner stated that her child's potential father was a man she ran into at a store and that his name was [REDACTED]. Petitioner indicated that she did not believe his legal name was [REDACTED]. Petitioner stated that [REDACTED] told her about a house party, and she took a bus to the party around midnight. Petitioner could not remember where the party was located. Petitioner reported that she drank alcohol, and she had sexual intercourse with [REDACTED]. Petitioner stated that she had sexual intercourse with another

individual at the same party. Petitioner then stated that she knew [REDACTED] from middle school. Petitioner was advised to check her middle school yearbook and/or search social media for his name. Petitioner called OCS again two hours later stating that her child's potential father's name was [REDACTED] or some variation. Petitioner did not identify her source of information or why she failed to mention that name during the interview earlier that day. Petitioner reported that she was unsure as to the individual's age, only that he was around her age. Petitioner stated that her daughter's potential father did indicate that he had another child.

Petitioner contacted OCS on March 3, 2022, and stated that there were two potential putative fathers (PF) for her child. Petitioner stated the first was African American and could not provide any further information. Petitioner stated that the second PF was [REDACTED], possibly spelled [REDACTED] or [REDACTED]. Petitioner also stated that his last name could be [REDACTED]. Petitioner provided a phone number for the individual, and that he may have lived in [REDACTED] Michigan, North Carolina, [REDACTED], Florida and [REDACTED], Ohio. Petitioner stated that the PF was African American, had brown eyes, was [REDACTED]", was approximately [REDACTED] pounds and was in his late 20s or early 30s. OCS performed a search and found an individual with some matching information but not enough to verify his identity.

Petitioner contacted OCS on August 1, 2022, where she again stated that the PF was [REDACTED], but that she was unsure of the spelling. Petitioner stated that the PF was known to be from Michigan, Ohio or North Carolina. Petitioner stated that she met the PF while walking around her neighborhood and went to a get together with people she did not know. Petitioner stated that she met the PF at the party and had a sexual encounter. Petitioner stated she could not remember the location of the residence or any of the people at the party.

Petitioner contacted OCS on February 1, 2023, where she again stated that her child's PF was [REDACTED]. Petitioner provided the same telephone number to OCS. The telephone number provided to OCS was connected to an unknown female that did not have any known association to a [REDACTED].

Petitioner contacted OCS on April 12, 2023. Petitioner again stated that she believed the PF was [REDACTED]. Petitioner reported that she met the PF walking down the street in Detroit and that they did not have any mutual friends. Petitioner again stated that he had a daughter. The Department was able to locate a man living in [REDACTED] that had a similar name and physical characteristics as identified by Petitioner, but he was much older than reported by Petitioner. As the Department was unable to obtain sufficient information to verify the father of Petitioner's child, Petitioner remained in noncooperation status.

At the hearing, Petitioner testified that she met the PF while walking down the street on the west side of [REDACTED]. Petitioner stated that she accompanied the individual to a party where she had sexual contact. Petitioner testified that she did not know where she met the individual or where the party was located, as she was not from the area. Petitioner

stated that she was homeless and rode the bus to the area. Petitioner reported that she began walking the streets where she encountered the PF. Petitioner stated that the individual called himself [REDACTED] but she believed his legal name was [REDACTED]. Petitioner indicated that she did not have any further details and that she had attempted to locate the PF through search engines but was unsuccessful.

Petitioner provided inconsistent statements to OCS, as well as at the hearing, as to how and where she met her child's PF. Additionally, it was unclear as to how Petitioner obtained the information that she did have, such as the PF's legal name when he identified himself by a nickname and the areas in which he previously resided. Therefore, the Department established that Petitioner was not compliant with OCS. Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate from the FAP group. BEM 255, p.14. Thus, the Department acted in accordance with policy when it continued to exclude Petitioner from the FAP group.

CDC

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.

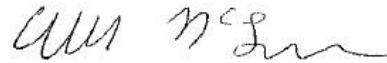
A client's request for hearing must be in writing and signed by an adult member of the eligible group, adult child, or authorized hearing representative (AHR). BAM 600 (April 2017), p. 2. Moreover, Department policy provides that a request for hearing must be received in the Department local office within 90 days of the date of the written notice of case action. BAM 600, p. 6.

Petitioner requested a hearing, in part, to dispute the Department's actions related to her CDC benefit case. The Department testified that Petitioner did not have an active CDC within the 90 days prior to her request for hearing. Therefore, Petitioner's request for hearing related to her CDC benefit case is **DISMISSED**.

DECISION AND ORDER

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 when it continued to maintain Petitioner in noncooperation status and disqualified her from the FAP group. Accordingly, the Department's decision is **AFFIRMED**.

Petitioner's request for hearing related to her CDC benefit case is **DISMISSED**.



EM/tm

Ellen McLemore
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

