



GRETCHEN WHITMER
GOVERNOR

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

MARLON I. BROWN
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: May 14, 2024
MOAHR Docket No.: 24-003979
Agency No.: [REDACTED]
Petitioner: [REDACTED] [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on May 9, 2024, from Lansing, Michigan. Petitioner represented herself. The Department was represented by Mathew Pomeroy. Tiffany Heard of the Department's Office of Child Support testified on behalf of the Department.

ISSUE

Did the Department of Health and Human Services (Department) properly determine Petitioner's eligibility for the Food Assistance Program (FAP)?

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 May [REDACTED] 2023, the Department requested that Petitioner provide information necessary to identify and locate the father of her child. Exhibit A, p 29.
2. On June [REDACTED] 2023, the Department requested that Petitioner provide information necessary to identify and locate the father of her child. Exhibit A, p 33.
3. On June [REDACTED] 2023, the Department notified Petitioner that she would be considered non-cooperative with the Office of Child Support and that she should contact the office to avoid losing some or all of her public assistance. Exhibit A, p 37.
4. On October [REDACTED] 2023, the Department notified Petitioner that she was eligible for the Food Assistance Program (FAP) as a household of one and she would be a disqualified member of her household due to non-cooperation with efforts by the Office of Child Support to identify and locate the father of her child. Exhibit A, pp 12-18.

5. Department records indicate that on November ■ 2023, Petitioner contacted the Office of Child Support and reported that she did not know the identify of the father of her child but that there are a few people who could be the father. Exhibit A, p 39.
6. On April ■ 2024, the Department notified Petitioner that she was eligible for the Food Assistance Program (FAP) as a household of one. Exhibit A, p 19.
7. On April 1, 2024, the Department received Petitioner's request for a hearing protesting her disqualification from the Food Assistance Program (FAP). Exhibit A, pp 4-7.

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) is funded under the federal Supplemental Nutrition Assistance Program (SNAP) established by the Food and Nutrition Act of 2008, as amended, 7 USC 2011 through 7 USC 2036a. It is implemented by the federal regulations contained in 7 CFR 273. The Department administers FAP pursuant to MCL 400.10 of the Social Welfare Act, MCL 400.1 *et seq*, and Mich Admin Code, R 400.3001 through 400.3011.

FAP group composition is established by determining who lives together, the relationship of the people who live together, whether the people living together purchase and prepare food together or separately, and whether the persons reside in an eligible living situation. Department of Human Services Bridges Eligibility Manual (BEM) 212 (March 1, 2024), p 1.

Families are strengthened when children's needs are met. 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. 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. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (February 1, 2024), pp 1-2.

Petitioner is an ongoing recipient of FAP benefits and she has been disqualified from her FAP household since June ■■■ 2023. Department records indicate that on November ■■■ 2023, Petitioner contacted the Office of Child Support and reported that she did not know the identify of the father of her child but that there are a few people who could be the father.

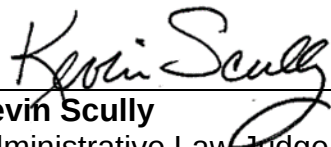
Petitioner testified that she does not know the identity of the father of her child, but she had previously reported to the Department that there are a few people who could be the father. The hearing record supports a finding that Petitioner failed to make a reasonable effort to provide with Department with information that could be used to identify and locate the father of her child.

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 determined Petitioner's eligibility for the Food Assistance Program (FAP) and disqualified her from her household for non-cooperation with the Office of Child Support.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/dm



Kevin Scully
Administrative Law Judge
Michigan Office of Administrative Hearings
and Rules (MOAHR)

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
MDHHS-OCS-Admin-
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Via-First Class Mail :

Petitioner

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