



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
SUZANNE SONNEBORN  
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA  
DIRECTOR



Date Mailed: June 25, 2024  
MOAHR Docket No.: 24-005724  
Agency No.: [REDACTED]  
Petitioner: [REDACTED]

**ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford**

**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 June 20, 2024. Petitioner was present and represented herself. The Department of Health and Human Services (Department) was represented by Danielle Moton, Assistance Payment Worker, and Lynne Crittendon, Lead Specialist with the Office of Child Support (OCS).

**ISSUE**

Did the Department properly remove the Petitioner from her Food Assistance Program (FAP) case on the basis that she was in 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 previously an ongoing recipient of FAP benefits.
2. On January 29, 2024 and February 8 and 17, 2024, the Department sent notices to Petitioner instructing her to contact OCS to provide information regarding the absent parent of her minor child (Child A). (Exhibit A, pp. 61-72). Petitioner did not respond to these requests.
3. On April 23, 2024, the Department received a completed redetermination from Petitioner regarding her FAP case. (Exhibit A, pp. 11-15). On the form, Petitioner indicated that she lives in a household with Child A. (Exhibit A, p. 12).

4. On May 7, 2024, Petitioner submitted a request of hearing disputing the Department's actions related to her FAP case. (Exhibit A, pp. 3-8).
5. On May 14, 2024, the Department sent Petitioner a Notice of Case Action (NOCA) informing Petitioner that she was eligible for FAP benefits, effective June 1, 2024, with a group size of one, as she was disqualified from the FAP group for failing to cooperate with OCS. (Exhibit A, pp. 16-20).

### **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.

In this case, Petitioner requested a hearing to dispute her disqualification from her FAP group because she was found to be in noncooperation with child support requirements with respect to Child A.

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. 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.

In this case, Petitioner was placed in noncooperation status for a second time by OCS on February 17, 2024. In April 2024, 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 because of her noncooperation status with OCS.

The Department testified that Petitioner was initially placed in noncooperation status on August 2, 2012, for her failure to respond to OCS' contact letters dated July 16, 2011 and February 3, 2012. (Exhibit A, pp. 38-60). The Department presented the contact letters that were sent to Petitioner in 2011 and 2012 instructing her to contact OCS to provide information on the absent parent. The Department started requesting information regarding Child A's paternity soon after her birth in 2011, and Petitioner gave inconsistent and evasive responses. A 2023 administrative hearing also concluded that Petitioner had failed to provide known information about Child A's absent parent. The Department testified that despite Petitioner's contacts to OCS, Petitioner failed to present sufficient information regarding the absent parent. As a result, the Department and OCS concluded that Petitioner continued to be in noncooperation with child support requirements.

At the hearing, the Department testified that the Petitioner was never in cooperation with OCS but the case was closed in error due to system changes. The Department reopened the case on January 29, 2024 to obtain information concerning the absent parent. (Exhibit A, p. 35). The Department documented its communications with Petitioner as vague and noted that Petitioner was not forthcoming with information about the absent parent. The Department placed Petitioner in noncooperation with child support requirements as of February 17, 2024.

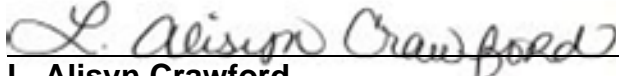
Petitioner continued to provide inconsistent statements to OCS, as to how and where she met her child's absent parent. Additionally, it is unclear as to how Petitioner obtained the information, though inconsistent, that she did provide to OCS. Therefore, the Department established that Petitioner was 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 placed the OCS noncooperation sanction on Petitioner's FAP case and excluded Petitioner from the FAP group.

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 placed the OCS noncooperation sanction on Petitioner's FAP case.

### **DECISION AND ORDER**

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

LC/ml

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L. Alisyn Crawford  
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**  
Tara Roland 82-17  
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**Interested Parties**  
BSC4  
M Holden  
B Cabanaw  
N Denson-Sogbaka  
MOAHR

**Via First Class Mail:**

**Petitioner**

[REDACTED]  
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[REDACTED] MI [REDACTED]