



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

[REDACTED]
[REDACTED]
[REDACTED], MI [REDACTED]

Date Mailed: September 5, 2024
MOAHR Docket No.: 24-008521
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 August 26, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Jamila Goods, Eligibility Specialist. A Department representative from the Office of Child Support (OCS) was not present at the hearing.

ISSUE

Did the Department properly disqualify Petitioner from her Food Assistance Program (FAP) group for non-cooperation with child support reporting obligations?

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 FAP for a group consisting of herself and her minor child (Child).
2. On December 12, 2023, OCS sent a contact letter to Petitioner requesting information regarding Child's absent father (Father). (Exhibit A, p. 11). The notice indicated that Petitioner had 10 days to provide information to OCS by completing the Online Child Support Response Form (e842) or calling OCS directly.

3. On December 18, 2023, Petitioner completed the online Child Support Response Form. (Exhibit A, p. 6). Petitioner reported that Father of Child was unknown, male, African American, with black hair and eyes.
4. On December 19, 2023, OCS sent an additional contact letter requesting additional information regarding Father, including his name, address, physical description, and information regarding Child's conception. (Exhibit A, p. 15). This information was due by December 26, 2023.
5. On December 27, 2023, OCS sent a contact letter to Petitioner and determined Petitioner was not cooperative with obtaining support for Child. (Exhibit A, pp. 19; 21).
6. On June 5, 2024, the Department issued a Notice of Case Action (NOCA) to Petitioner informing her that her household was approved for FAP benefits effective June 1, 2024 for \$291 monthly for a group size one which included Child only. (Exhibit A, pp. 23-27). Petitioner was not included in the household group due to non-cooperation of child support requirements. (Exhibit A, p. 21).
7. On July 23, 2024, Petitioner contacted OCS with additional information regarding Father. (Exhibit A, p. 6). Petitioner reported Father's name, age, a physical description, and that what city he lived in. Petitioner also provided information regarding how she met Father.
8. On July 23, 2024, the Department received Petitioner's request for hearing disputing the Department's action. (Exhibit A, pp. 3-5).

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 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 requested a hearing to dispute the Department's determination that she was not cooperative with child support requirements. The Department testified that Petitioner was removed from her FAP household group due to OCS noncooperation.

For FAP benefits, 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 (February 2024), p. 1. Cooperation is required in all phases of the process to establish paternity and obtain support. BEM 255, p. 9. Cooperation includes contacting the support specialist when requested and providing all known information about the absent parent. *Id.* Failure to cooperate without good cause results in disqualification of the FAP group member who failed to cooperate. BEM 255, p. 14.

The Department testified that OCS deemed Petitioner to be uncooperative in obtaining support for Child on December 27, 2023. The Department testified that Petitioner was sent three notices in 2023 which requested Child's paternal information. After Petitioner allegedly provided what OCS considered insufficient information, Petitioner was deemed noncompliant. Petitioner testified that after gathering more information about Father and speaking with others, she called OCS on July 23, 2024 and provided additional information. Following her contact with OCS, an Explanation of Noncooperation Determination was completed by OSC. (Exhibit A, p. 6). The July 23, 2024 Determination provided a narrative of the information provided by Petitioner which included Father's name, age, physical description, and the city where he lives. Petitioner also explained that she met Father while bar hopping in Detroit and Child's conception was the result of a one-night stand. OCS determined that Petitioner continued to be non-cooperative with OCS and in order to cooperate, Petitioner must "provide more information about [Father]."

At the hearing, the Department was unable to specify what additional information OCS was looking for, and OCS did not identify with any specificity in its Determination what additional information Petitioner was to provide. The Department did not introduce evidence to refute Petitioner's account of the information that she provided to OCS, nor did the Department provide any proof that Petitioner was withholding information about Father. The record shows that Petitioner responded to OCS's request for information about Father and that Petitioner provided OCS with all the information known to her about his identity during the July 23, 2024 telephone interview. Given these facts and circumstances, it is determined that Petitioner provided all known information regarding the paternity and identity of Father and cooperated as best she could under the circumstances. Thus, the Department failed to establish that Petitioner was noncooperative with child support requirements that would render her disqualified from her FAP group.

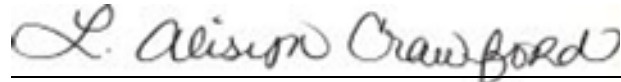
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it removed Petitioner from her FAP group due to noncooperation with OCS.

DECISION AND ORDER

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

THE DEPARTMENT 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 child support non-cooperation sanction applied to Petitioner's case, as of July 23, 2024;
2. Include Petitioner in her FAP household group and redetermine the FAP benefit amount with Petitioner included;
3. Issue supplements to Petitioner for any FAP benefits that she was eligible to receive, but did not, based on her phone contact with OCS on July 23, 2024; and
4. Notify Petitioner of its decision in writing.



LC/nr

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 :

DHHS

Susan Noel
Wayne-Inkster-DHHS
26355 Michigan Ave
Inkster, MI 48141

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Interested Parties

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Via-First Class Mail :

Petitioner

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