

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2009-15448

Issue No: 1025; 2006; 3008;
6023

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

April 9, 2009

Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a telephone hearing was held on Thursday, April 9, 2009. The claimant personally appeared and testified on her behalf.

ISSUE

Did the department properly determine that the claimant was not eligible for Food Assistance Program (FIP), Food Assistance Program (FAP), Medical Assistance (MA), and Child Development and Care Program (CDC)?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

(1) The claimant was a recipient of FIP, FAP, CDC, and MA benefits, which required her to participate with Child Support in determining paternity of her children.

(2) On February 17, 2009, the claimant's name appeared on the DHS Child Support Non-Cooperation Report. (Department Exhibit A)

(3) On February 17, 2009, the claimant's caseworker put the claimant's FIP case into negative action, removed the claimant from MA, and converted the kids to the Healthy Kids Program. The claimant was also removed from the FAP program and the CDC case was placed in negative action to close.

(4) On February 23, 2009, the department received a request for a hearing, contesting the department's negative actions.

(5) During the hearing, the claimant testified that she has repeatedly called her caseworker, but the caseworker did not call her back. However, the claimant could not state a specific date that she had called the caseworker.

(6) During the hearing, the department caseworker did not provide the supporting documentation to show how the claimant was not in cooperation with Child Support and what effort Child Support had implemented to get her to cooperate.

(7) The parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinstate the claimant's FIP, FAP, CDC, and MA cases if the claimant can verify that she is in cooperation with Child Support before May 7, 2009. If the claimant does not provide the required information to be determined in cooperation with Child Support, the department action stands.

(8) On April 30, 2009, the Administrative Law Judge received a fax from the department caseworker that showed a letter from the Office of Child Support stating that the claimant was in cooperation with Child Support, which fulfills the agreement of the settlement.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program

Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, the parties have reached an agreed upon settlement to resolve the dispute. The department agrees to reinstate the claimant's FIP, FAP, CDC, and MA case if the claimant can verify that she is in cooperation with Child Support before May 7, 2009. If the claimant does not provide the required information to be determined in cooperation with Child Support, the department action stands. If the claimant does not agree with the determination, she may file another request for a hearing.

On April 30, 2009, the Administrative Law Judge received a fax from the department caseworker that showed a letter from the Office of Child Support stating that the claimant was in cooperation with Child Support, which fulfills the agreement of the settlement. As a result, the claimant FIP, FAP, CDC, and MA case should be reinstated retroactive to March 3, 2009

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the parties have reached an agreed upon settlement.

The parties have reached a settlement to resolve the dispute. The department agrees to reinstate the claimant's FIP, FAP, CDC, and MA case if the claimant can verify that she is in cooperation with Child Support before May 7, 2009. If the claimant does not provide the required information to be determined in cooperation with Child Support, the department action stands.

On April 30, 2009, the Administrative Law Judge received a fax from the department caseworker that showed a letter from the Office of Child Support stating that the claimant was in cooperation with Child Support, which fulfills the agreement of the settlement. As a result, the claimant FIP, FAP, CDC, and MA case should be reinstated retroactive to March 3, 2009.

The department is **ORDERED** to reinstate the claimant's FIP, FAP, MA, and CDC cases retroactive to March 3, 2009 since the claimant has cooperated with Child Support, if it has not already done so.

/s/
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: May 14, 2009

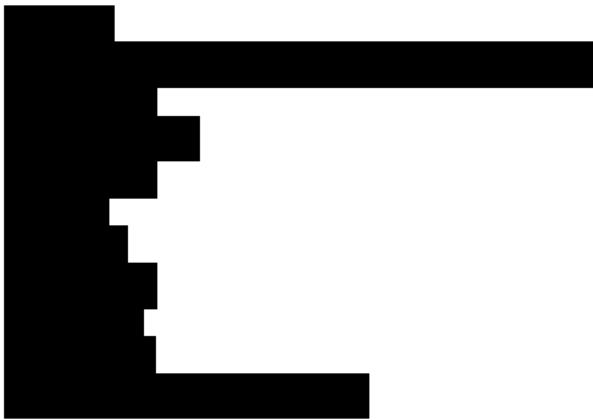
Date Mailed: May 14, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

CGF/vmc

cc:

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