

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: 2009-18563
Issue No: 2006
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 29, 2009
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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 July 29, 2009. Claimant did not appear to testify at the hearing. Claimant was represented at the hearing by [REDACTED].

ISSUE

Did the Department of Human Services (the department) properly deny claimant's application for Medical Assistance benefits based upon its determination that claimant had a child support sanction?

FINDINGS OF FACT

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

(1) Claimant was a Medical Assistance benefit recipient based upon a caretaker relative status.

(2) The Office of Child Support sent claimant a letter on March 19, 2008 and another letter on April 25, 2008 requesting information about her child's paternity.

(3) Claimant did not respond to either letter and on May 2, 2008 a non-cooperation notice was sent to claimant requesting that she provide all information regarding the non-custodial parent.

(4) No information was provided and on May 14, 2008 the department caseworker sent claimant notice that her Medical Assistance eligibility would be cancelled effective May 28, 2008.

(5) Claimant did not take any action in May 2008 and her case was closed effective May 28, 2008.

(6) In September 2008, [REDACTED] filed a Medical Assistance application for claimant with a retroactive Medical Assistance application to June 2008.

(7) A child support sanction was entered in May 2008 for the month of May 2008 because claimant failed to comply with the request for information about her child's non-custodial parent.

(8) On February 17, 2009, [REDACTED] filed a request for a hearing to contest the fact that claimant does not have retroactive Medical Assistance benefits for the month of June 2008.

CONCLUSIONS OF LAW

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).

Pertinent department policy states that clients 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, denial of program benefits, and/or case closure, depending on the program. PEM, Item 255, p. 1.

In the instant case, Child Support did notify the Department of Human Services that claimant failed to cooperate in May 2008. Therefore, the department properly imposed a child support sanction. Claimant did not appear at the hearing and argue that the child support sanction was improperly imposed and neither claimant nor her representative established good cause for her failure to cooperate. The department is required to impose a support sanction at application if there is notice of non-cooperation in the case record or the client appears on the non-cooperation report; and support/paternity action is still a factor in the child's eligibility; and good cause has not been granted nor is a claim pending. Failure to cooperate without good cause results in a disqualification. The person who fails to cooperate is not eligible for MA when: the child for whom support/paternity action is required received MA and the person and child live together.

The only exception is that the department is not to begin or continue a disqualification for failure to cooperate when a pregnant woman meets all other eligibility factors. PEM, Item 255, p. 11.

The department is ordered not to restore benefits to a disqualified person until the non-cooperating person cooperates for support/paternity action is no longer needed. It should be noted that the initial cancellation of claimant's benefits occurred in May 2008. [REDACTED] did not request a hearing until February 17, 2009 and requested the hearing on the initial child support/non-cooperation notice. Therefore, [REDACTED] request for a hearing is not timely on this issue. [REDACTED] request for a hearing is hereby dismissed for failure to request a hearing within 90 days.

[REDACTED] will argue that they did have authorization to represent which was signed on September 24, 2008, which gave them authorization to represent claimant on the retroactive Medical Assistance application. However, the retroactive Medical Assistance application could not be granted for the month of June 2008 because there was a child support sanction already in effect and because claimant did not request a hearing on the child support/non-cooperation. Sometime in July 2008, claimant did come in and cooperate with child support and regained her Medical Assistance eligibility from July 2008 forward. However, she did not do so in the month of June 2008.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, determines that the department properly sanctioned claimant for non-cooperation with child support and determined that claimant was not eligible for medical coverage for the month of June 2008. Claimant was properly sanctioned for non-cooperation and therefore was ineligible to received Medical Assistance benefits.

Accordingly, the department's decision is AFFIRMED.

/s/

Landis Y. Lain
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: September 2, 2009

Date Mailed: September 2, 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.

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