

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant,

Reg No: 2009-21130

Issue No: 3008

Case No: ██████████

Load No: ██████████

Hearing Date:

June 10, 2009

Wayne County DHS

ADMINISTRATIVE LAW JUDGE:

Steven M. Brown

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 conducted from ██████████ on June 10, 2009.

ISSUE

Whether the Department properly terminated Claimant's Medical Assistance (MA) and Claimant's Food Assistance Program (FAP) benefits?

FINDINGS OF FACT

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

(1) Claimant was a Family Independence Program (FIP), MA and FAP recipient.

(2) Claimant's FIP benefits were terminated in May 2008 due to noncooperation with the Office of Child Support (OCS). (Exhibits 1, 3)

(3) It is the Department's position that Claimant's MA and FAP benefits should have also been terminated in May 2008 for noncooperation with OCS, but were not for some reason.

(4) The Department stated that it told Claimant on numerous occasions in 2009 that she needed to contact OCS. The Department contacted OCS in March 2009 and was informed that Claimant was still deemed noncooperative so it terminated her MA and FAP benefits effective March 31, 2009 (Exhibits 1, 3)

(5) Claimant stated that she contacted the OCS on two occasions. She called once in 2009 and left a message and did not receive a return phone call and could not recall the other time.

(6) On March 20, 2009, the Department received the Claimant's hearing request protesting the termination of her MA and FAP benefits. (Exhibit 2)

CONCLUSIONS OF LAW

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. Departmental 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).

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 and the prosecuting attorney to establish the paternity and/or obtain support from an absent parent. 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 255, p.1

In the instant case, Claimant was considered to be noncooperative by the OCS on April 2, 2008 because she did not respond to letters to contact OCS by February 22, 2008 and by March 25, 2008. The Department contacted the OCS prior to taking action to terminate her FAP and MA benefits in March 2009 and was advised that she was still considered noncooperative. Claimant's testimony was simply not credible in terms of when she called OCS nor did it demonstrate any real effort to resolve the situation. The April 2, 2008 Noncooperation Notice clearly informed her that failure to cooperate with the OCS could result in a reduction of her benefits or case closure unless she had a good cause reason.

With the above said, based on the testimony and documentation offered at hearing, I find that the Department established that it acted in accordance with policy in terminating Claimant's MA and FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department acted in accordance with policy in terminating Claimant's MA and FAP benefits.

Accordingly, the Department's MA and FAP eligibility determinations are AFFIRMED, it is SO ORDERED.

/S/

Steven M. Brown
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: June 16, 2009

Date Mailed: June 16, 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 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt 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.

SMB/db

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