

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.: 2009-27630

Issue No.: 2006

Case No.: ██████████

Load No.: ██████████

Hearing Date:
March 8, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on March 8, 2010. The Claimant's authorized hearings representative ██████████, through ██████████ appeared and testified. ██████████ FIM, appeared on behalf of the Department.

ISSUE

Was the Department correct in denying Claimant's MA application?

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 applied for MA benefits on January 26, 2009 with retroactive coverage to October 2008.
- (2) Claimant's application was denied on March 24, 2009 because the Claimant was under sanction for failure to cooperate with child support requirements.

- (3) A noncooperation notice was sent to Claimant on October 17, 2007. Claimant was considered noncooperative with the child support enforcement program because he failed to respond to two letters to contact the office of child support by September 19, 2007 and by October 9, 2007.
- (4) Claimant did not dispute that he was noncooperative with the child support enforcement program.
- (5) Claimant requested hearing on May 21, 2009 contesting the denial of his MA application.

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 (formerly known as the Family Independence Agency) 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).

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. BEM 255

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the

verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, Claimant's application was denied because he was under sanction at the time of application for failing to cooperate with the Office of Child Support. Claimant argues that he should have been given an opportunity to resolve the child support cooperation issue prior to a denial issuing. Claimant argues that a verification checklist should have been sent to the Claimant prior to the denial issuing, but cites no policy to support this position. This Administrative Law Judge finds that the noncooperation notice dated October 17, 2007 provided Claimant adequate notice regarding the sanction and gave him sufficient opportunity to address the sanction. Claimant was disqualified at the time of application. Therefore the Department's decision to deny the MA application because the Claimant was under sanction and disqualified was correct.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the Department was correct in the denial of MA benefits, and it is ORDERED that the department's decision in this regard be and is hereby AFFIRMED.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 24, 2010

Date Mailed: March 24, 2010

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.

AM/ hw

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