

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: 2009-29007

Issue No: 1025

Case No: [REDACTED]

Load No: [REDACTED]

Hearing Date:

August 12, 2009

Saginaw 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 [REDACTED] on August 12, 2009.

ISSUE

Whether the Department properly terminated Claimant's Family Independence Program (FIP) benefits and her Medical (MA) benefits and reduced her 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 recipient of FIP, MA and FAP benefits and a mandatory Work First/Jobs, Employment and Training (WF/JET) participant.

- (2) On February 18, 2009, Claimant was noncompliant with WF/JET.
(Exhibit 1)
- (3) On March 9, 2009, the Department mailed Claimant a Notice of Noncompliance with a triage date of March 20, 2009. (Exhibit 2)
- (4) Claimant did not appear for the March 20, 2009 triage.
- (5) On March 21, 2009, the Department notified Claimant that, as a result of her noncompliance with WF/JET, her FIP case was going to be closed from 4/1/09 – 6/30/09. (Exhibit 3)
- (6) On April 8, 2009, the Department notified Claimant that her MA coverage would continue for her and her child. (Exhibit 4)
- (7) On May 20, 2009, the Department informed Claimant that her FIP sanction would continue after 6/30/09 as a result of a March 16, 2009 Noncooperation Notice it received from the Office of Child Support. (Exhibit 5,6)
- (8) On May 20, 2009, the Department mailed Claimant an Eligibility Notice which informed her that her FAP benefits were being reduced to [REDACTED]/mo as a result her noncooperation with the Office of Child Support. (Exhibit 7)
- (9) On May 20, 2009, the Department informed Claimant that MA coverage would continue for her child, but would not for her as a result of her noncooperation with the Office of Child Support. (Exhibit 8)
- (10) On June 24, 2009, the Department received Claimant's hearing request protesting the termination of her FIP and MA benefits and the reduction in her FAP benefits.

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. Departmental policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM), and the Program Reference Manual (PRM).

Families are strengthened when the 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 and/or obtain support from the absent parent. 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 received assistance unless a claim of good cause for not cooperating has been granted or is pending.

PEM 255, p.1

Any individual required to cooperate, who fails to cooperate without good cause, causes group ineligibility for FIP benefits for a minimum of one month. Failure to cooperate without good cause results in MA disqualification. For FAP, failure to cooperate without good cause results in disqualification of the person who failed to cooperate. Remove the person and his needs from the Food Assistance case for a minimum of one month. PEM 255, p. 10-11

In the instant case, I do not believe that Claimant was attempting to request a hearing on the FIP sanction due to her WF/JET noncompliance. She mentions nothing about it in her request for hearing, the FIP sanction was almost over at the time she filed her hearing request and nothing in her response to my questions in this regard made me think that this was her intention. Even if it was, the negative action notice was mailed out March 21, 2009 and the earliest that the Department received her hearing request was June 22, 2009 which is 93 days, 3 days past the 90 day deadline.

The reduction in her FAP benefits, the termination of Claimant's MA benefits and the continued indefinite FIP sanction all hinge on the March 16, 2000 Noncooperation Notice. The Department received the letter and took no action on it for over 2 months. None of the 3 Department witnesses present at hearing knew anything about the alleged noncooperation other than what the letter said. The author of the letter and the caseworker who took action on it were not present at the hearing. The letter is simply a form letter which states in pertinent part – "You are considered to be noncooperative with the child support program because of: your failure to respond to two letters to contact this office by , and by." Claimant testified that she did not receive any letters before the March 16th letter and that she had been searching for her child's father's location, but did not know it.

With the above said, I do not find that the Department proved that it acted in accordance with policy in extending Claimant's FIP sanction from 7/1/09 – indefinite, in terminating her MA coverage or in reducing her FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, does not find that the Department acted in accordance with policy in extending Claimant's FIP sanction from 7/1/09 – indefinite, in terminating her MA coverage or in reducing her FAP benefits.

Accordingly, the Department's FIP, MA and FAP eligibility determination(s) are REVERSED, it is SO ORDERED. The Department shall:

- (1) Reinstate Claimant's FIP benefits beginning 7/1/09.
- (2) Reinstate Claimant's FAP benefits to [REDACTED]/mo effective 7/1/09

- (3) Reinstate Claimant's MA coverage retroactive to the date of closure.
- (4) Issue Claimant supplemental benefits she is entitled to, if any.

/s/

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

Date Signed: August 20, 2009

Date Mailed: August 20, 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 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

cc:

