

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: 2009-22800
Issue No: 2025
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 13, 2010
Shiawassee 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, an in-person hearing was held on January 13, 2010. Claimant personally appeared and testified.

ISSUE

Did the Department of Human Services (the department) properly cancel claimant's Medical Assistance program benefits based upon its determination that claimant was non-compliant with child support?

FINDINGS OF FACT

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

(1) On October 29, 2008, claimant was receiving Medical Assistance benefits based upon her status as a caretaker relative.

(2) On October 29, 2008, claimant was found non-compliant with child support.

(3) On November 3, 2008, the Medical Assistance Program was pended to close using CIMS negative action code Y069. The effective date was November 15, 2008.

(4) On January 15, 2009, [REDACTED] sent an authorization to represent, facility admission notice, authorization for release of information, and a patient bill requesting coverage for a December 2008 hospital bill for claimant.

(5) On January 29, 2009, the department caseworker sent claimant notice that her Medical Assistance benefits were scheduled to be cancelled based upon child support non-compliance.

(6) On April 15, 2009, it was verified with the Office of Child Support that claimant was still in non-cooperation because she had failed to contact the department on more than one occasion.

(7) Exhibit 1 of a non-cooperation notice was date October 29, 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).

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 paternity and/or obtain support from an 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 receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. Absent parents are required to support their children. Support includes all the following:

- . Child support
- . Medical support
- . Payment for medical care from any third party.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits depending on the type of assistance. BEM, Item 255, p. 1. .

There are only two good cause reasons for failure to comply with child support:

- . Cases in which establishing paternity/securing support would harm the child.
- . Cases in which there is danger of physical or emotional harm to the child or client.

Neither of these circumstances has been established in this case. BEM, Item 265, pp. 2-3.

In the instant case, claimant was sent a letter on September 1, 2008 requesting information to provide identifying information regarding the non-custodial parent. She did not contact the Office of Child Support. There was also sent a contact notice of July 6, 2008 which was also requesting non-custodial parent information. Claimant did not contact the Department of Child Support. On October 29, 2008 a sanction letter was placed and there was first contact with the claimant, but no interview was conducted as required by policy.

Failure to cooperate without good cause results in disqualification. An individual who fails to cooperate is not eligible for MA when both of the following are true: The child for whom

support/paternity action is required receives MA and the individual and the child live together.
BEM, Item 255, p. 12.

In the instant case, on October 28, 2008, claimant was found to be non-compliant with child support. The child support specialist did not have any subsequent contact with claimant. No interview was conducted as required by policy. Therefore, the department appropriately determined that claimant's child support non-compliance sanction should stand.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has established by the necessary, competent, material, and substantial evidence on the record that it was acting in compliance with department policy when it determined that claimant was not eligible to receive Medical Assistance benefits or retroactive Medical Assistance benefits based upon its determination that claimant's case was sanctioned for child support non-cooperation.

Accordingly, the department's decision is AFFIRMED.

/s/

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

Date Signed: February 24, 2010

Date Mailed: February 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.

LYL/vmc

cc:

