

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: 2010-33814  
Issue No: 2006, 3015, 6019  
Case No: [REDACTED]  
Load No: [REDACTED]  
Hearing Date:  
June 15, 2010  
Monroe 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 Lansing, Michigan on June 15, 2010.

ISSUE

Whether the Department properly denied Claimant's application for Food Assistance Program (FAP) and Child Development and Care (CDC) benefits and terminated her Medical Assistance (MA) 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) On January 29, 2010, Claimant applied for FAP, MA and CDC benefits.  
(Exhibit 1)
- (2) Claimant lives with her child and the child's father, [REDACTED].

(3) The Department received a Noncooperation Notice for Claimant from the Office of Child Support (OCS) in regard to Claimant's child with [REDACTED]. (Exhibit 6)

(4) The Department completed a FAP budget which included the sanction for Claimant stemming from the Noncooperation Notice and resulted in excess income. (Exhibits 13-15)

(5) The Department completed a CDC budget which resulted in excess income. The income amount the Department used for the CDC budget was different than the income amount used for the FAP budget. The Department could not provide an explanation. (Exhibits 16-18)

(6) On February 27, 2010, the Department mailed Claimant a Notice of Case Action which informed her that her CDC and FAP applications were denied because her gross income exceeded the limit and due to the noncooperation notice and her MA-HKP was closed because she no longer met program requirements. (Exhibits 7-12, 25-28)

(7) On April 12, 2010, the Department mailed Claimant a Notice of Case Action which explained that MA-G2C was denied for [REDACTED] because "you failed to verify or allow the Department to verify necessary information" and "you or a group member failed to cooperate with child support requirements". (Exhibits 22-24)

(8) On April 26, 2010, the Department received Claimant's request for hearing in regard to FAP, CDC and MA benefits. (Exhibits 2-4)

#### 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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 OCS, the Friend of the Court (FOC) 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. BEM 255, p.1

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes all of the following: contacting the support specialist when requested, providing all known information about the absent parent, appearing at the office of the prosecuting attorney when requested and taking any actions needed to establish paternity and obtain child support (including, but not limited to, testifying at hearings or obtaining blood tests). BEM 255, p.8 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 255, p.1 For FAP, failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual and their needs are removed from the FAP group for a minimum of one month. The remaining eligible group members will receive benefits. The non-cooperating member is disqualified for FAP until the Department is notified of cooperation by OCS or cooperation is no longer an eligibility factor. BEM 255, p.12

In the instant case, based on the testimony and documentation offered at hearing, it appears to me that Claimant attempted to cooperate with the OCS. She admittedly received the first inquiry letter and did not respond. After she received the second inquiry letter, she applied for benefits and included [REDACTED]. The Department informed her that she still needed to contact the OCS and she attempted to do so without success on a couple of occasions. This is not your typical case where the father is AWOL and the child's mother does not cooperate with the OCS in terms of providing his identity and/or location. [REDACTED] lives with Claimant. She applied for benefits with him. The Department has all the information that the OCS is seeking from Claimant. Claimant testified credibly that she attempted to give it to the OCS also. The Department did not speak with the OCS and they were not present for the hearing. The FAP

budget also shows excess income, but that includes the noncooperation sanction. Also, while the CDC budget does not include a noncooperation sanction, the income is significantly higher than the income used in the FAP budget without explanation. With the above said, I do not find that the Department established that it acted in accordance with policy in denying Claimant's FAP and CDC applications.

I find that the Department established that it acted in accordance with policy in terminating Claimant's MA-HKP benefits. The reason for the termination of Claimant's MA-HKP benefits was that she was no longer pregnant, the reason she was receiving the benefits. I do not find that the Department established that it acted in accordance with policy in denying Claimant or [REDACTED] MA-G2C benefits given that the basis of the denial was Claimant's alleged noncooperation with the OCS and/or due to excess income as a result of the noncooperation notice.

#### 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 denying Claimant's FAP and CDC applications. I find that the Department established that it acted in accordance with policy in terminating Claimant's MA-HKP benefits. I do not find that the Department established that it acted in accordance with policy in denying Claimant's or [REDACTED] MA-G2C benefits.

Accordingly, the Department's FAP and CDC eligibility determinations are REVERSED. The Department's MA-HKP eligibility determination is AFFIRMED and the Department's MA-G2C eligibility determination(s) are REVERSED. It is SO ORDERED. The Department shall:

(1) Process Claimant's FAP, CDC and MA applications retroactive to their denial or closure dates.

(2) Issue Claimant supplemental benefits she is entitled to, if any.

(3) Notify Claimant in writing of the Department's revised determinations.

(4) Claimant retains the right to request a hearing if she would like to contest the Department's revised determinations.

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

Date Signed: June 16, 2010

Date Mailed: June 16, 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 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/vc

cc:

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