

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2010-55976
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 10, 2011
DHS County: Oakland (63-03)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on January 10, 2011. Claimant appeared and testified. [REDACTED] also testified on behalf of Claimant. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in denying claimant's Medical Assistance (MA) benefits for failing to cooperate with the Department?

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 February 1, 2010, Claimant applied for MA and retroactive MA.
2. On September 10, 2010, the Department denied Claimant's MA application due to non-cooperation of child support issued August 8, 1998.
3. On September 15, 2010, Claimant requested a hearing.

CONCLUSIONS OF LAW

The MA program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department

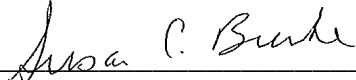
(formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 130. 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 the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time, then policy directs that a negative action be issued. BAM 130.

In the present case, the Department did not submit into evidence a Notice of Non-cooperation that it issued to Claimant, nor did it submit testimony from the Office of Child Support or any other evidence substantiating Claimant's alleged noncooperation. The Department merely submitted a "Non-cooperation Summary" which indicates "No good cause" and a "Non-cooperation Details" form which indicates "Failed to cooperate with child support requirements 8-31-1998." Without detailed proof of noncooperation, this Administrative Law Judge cannot find that Claimant failed to cooperate with respect to child support. Therefore, the Department was incorrect in denying Claimant's MA application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was not correct in its decision denying Claimant's MA application and its decision is, therefore, REVERSED. It is ORDERED that Claimant's MA application shall be reinstated and reprocessed from the date of the original application, February 1, 2010.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 19, 2011

2010-55976/SCB

Date Mailed: January 20, 2011

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.

SCB/pf

cc:

