

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.: 20109358

Issue No.: 3014

Case No.: [REDACTED]

Load No.: [REDACTED]

Hearing Date:
April 14, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jeanne M. VanderHeide

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 conducted from Detroit, Michigan on April 14, 2010. The Claimant appeared and testified.

[REDACTED] JET Case Manager, appeared on behalf of the Department.

ISSUES

Whether the Department properly denied the Claimant Family Independence Program ("FIP") and Medicaid Assistance ("MA") benefits based on lack of verification.

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 10/8/09, Claimant applied for FAP, FIP and MA benefits for himself and his minor son.
2. Claimant was awarded FAP benefits.

3. The Department testified that at the intake interview Claimant was instructed that the Department needed a birth certificate or affidavit of paternity for the minor child in order to award FIP and FIP based MA benefits.
4. On 10/8/09, Claimant was issued a Verification checklist requiring the same with a due date of 10/18/09. (Exhibit 1).
5. When no documents were received by the Department, the FIP and MA were denied effective 10/1/09. Notice was sent out 10/15/09. (Exhibit 3).
6. At the hearing, Claimant provided a print out from the Michigan Child Support Enforcement System showing an open case for the minor child, but no actively charging obligation. (Exhibit A).
7. Claimant also provided a report card for the minor child that revealed an address in Dearborn Heights. When questioned about the address, Claimant revealed that it was the mother's address listed on the report card. (Exhibit B).
8. Finally, Claimant produced a hand written letter from the child's mother indicating that Claimant is the father of the minor child, but that the child (sometimes) stays with his mom and stepfather.
9. The Department received Claimant's hearing request on November 2, 2009 protesting the denial of FIP and MA 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 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

Bridges Administrative Manual (“BAM”), the Bridges Eligibility Manual (“BEM”), and the Reference Tables (“RFT”).

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, formally 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 Reference Tables (“RFT”).

FIP and FIP based MA benefits are contingent on a minor child being included in the group. Group composition is the determination of which individuals living together are included in the FIP eligibility determination group (EDG) and the FIP certified group. To be eligible for FIP, a child must live with a legal parent, stepparent or other qualifying caretaker. BEM 210. The Primary Caretaker is the caretaker who is primarily responsible for the child’s day-to-day care and supervision in the home where the child sleeps more than half of the days in a month, when averaged over a twelve-month period. The twelve-month period begins at the time the determination is being made. BEM 210, p. 2 Accept the client’s statement regarding the number of days per month a child sleeps in the home. If questionable or disputed by another caretaker, request verification from both caretakers. BEM 210, p. 11.

When caretaking time of a dependent child is disputed or questionable, examples of proof to consider include, but are not limited to:

- The most recent court order that addresses custody and/or visitation
- School contact or records indicating who enrolled the child in school, first person called in case of emergency, and/or who arranges for the child’s transportation to and from school.

- Child care provider contact or records showing who makes and pays for child care arrangements, and who drops off and picks up the child.
- Medical providers contact or records showing where the child lives and who usually brings the child to medical appointments.
- Other documents or collateral contacts that support/contradicts the caretaker's claim.

BEM 210, p. 12.

In the present case, the Department notified the Claimant of the denial of FIP and MA benefits on 10/15/09 which was prior to the verification due date of 10/18/09. Claimant should have been provided with additional time to provide verification. Regardless, the Administrative Law Judge finds that the documents provided by the Claimant are insufficient to show that Claimant is the primary caretaker for the minor child and as such he would not have qualified for either FIP or FIP based MA benefits. .

Claimant provided evidence of a child support detail including the minor child in question. (Exhibit A). Being listed as responsible for child support may show that the Claimant was deemed the biological father of the minor child, but it is not an indicator that the minor child was living with the Claimant. Support can be ordered even when there is no visitation allowed. In addition, the exhibit indicates that the child support obligation is not actively charging even though the child is still a minor. In Exhibit B, the child's mother indicates that the child sometimes stays with her and the stepfather. And Exhibit C shows the mother's address as the home address for school purposes. Moreover, there is no custody order stating that Claimant is entitled to be the primary caretaker. The weight of the evidence shows that the child's mother, not Claimant, is the primary caretaker.

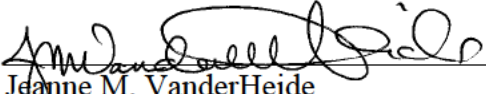
Based on the above referenced findings of fact and conclusions of law, the Administrative Law Judge finds that Claimant properly denied the Claimant FIP and FIP based

MA benefits as he is not the primary caretaker of the minor child. Accordingly, the Department's decision is AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly denied the Claimant's FIP and MA benefits.

Accordingly, the Department's decision is AFFIRMED.

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

Date Signed: May 10, 2010

Date Mailed: May 10, 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.

JV/hw

cc:

