

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: 2010-13676  
Issue No: 2006  
Case No: [REDACTED]  
Load No:  
Hearing Date:  
July 22, 2010  
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 July 22, 2010.

ISSUE

Was paternity cooperation established?

FINDINGS OF FACT

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

Negative case action: MA application on June 22, 2009 for March, April and May, 2009 denied June 24, 2009 based on child support sanction per BEM 134/255.

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).

Facts above are undisputed.

### **DEPARTMENT PHILOSOPHY**

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. PEM 255, p. 1.

### **DEPARTMENT POLICY**

#### **FIP, CDC Income Eligible, MA and FAP**

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.

**Note:** For purposes of this item, a parent who does not live with the child due solely to the parent's active duty in a uniformed service of the U.S. is considered to be living in the child's home.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits, and/or case closure, depending on the program.

**Exception:** A pregnant woman who fails to cooperate may still be eligible for MA.

Cooperation may occur at any time. Cooperation exists:

- As soon as the client does that which has been requested; **or**

- As soon as the circumstance which resulted in the act of noncooperation is resolved; or
- When legal recourse is no longer possible, if the client is willing to pursue other alternatives requested by the support specialist. PEM, Item 255, pg. 5.

The DHS representative testified that the claimant appeared for the hearing, and then left before the hearing started without stating to him why she had left.

In a contested case the rules of evidence as applied in a nonjury civil case in circuit court shall be followed as far as practicable, but agency may admit and give probative effect to evidence of a type commonly relied on by reasonably prudent persons in the conduct of their affairs. MCL 24.275.

The L&S representative attempted to prove that the claimant had cooperated during the retroactive months above by hearsay statements of the absent claimant.

A party may cross-examine a witness, including the author of a document prepared by, on behalf of, or for use by the agency and offered in evidence. MCL 24.272(4).

The DHS representative had the right to cross-examine the claimant and could not do so in her absence.

Therefore, this ALJ is not persuaded by the preponderance of the evidence of record that the claimant has established that she was no longer sanctioned for paternity non-cooperation.

#### DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that paternity cooperation was not established (retroactive only).

Accordingly, MA denial is UPHELD.

/s/  
\_\_\_\_\_  
William A. Sundquist  
Administrative Law Judge  
for Ismael Ahmed, Director  
Department of Human Services

Date Signed: August 23, 2010

Date Mailed: August 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 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.

WAS/ [REDACTED]

cc:

[REDACTED]