

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

IN THE MATTER OF:



Reg No. 201033631
Issue No. 2006
Case No. [REDACTED]
Load No. [REDACTED]
Hearing Date: July 29, 2010
Ingham County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a 3-way telephone hearing was held on Thursday, July 29, 2010. The claimant was not present, but was represented by her authorized representative, [REDACTED]

ISSUE

Did the department properly deny the claimant's Medical Assistance (MA) application because she did not cooperate with Child Support?

FINDINGS OF FACT

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

1. On July 17, 2009, the claimant was sanctioned for non-cooperation with Child Support. Department Exhibit 1.
2. On November 5, 2009, the claimant applied for MA with retroactive MA to August 2009.
3. On November 16, 2009, the department caseworker contacted Child Support to verify that the claimant was still in non-cooperation with Child Support where she received verification information that the claimant was still being sanctioned for non-cooperation of Child Support since July 2009. Department Exhibit 2.

4. On November 16, 2009, the department caseworker denied the claimant's application dated November 5, 2009 because she was in non-cooperation with Child Support and was disqualified from Medicaid eligibility. Department Exhibit 3.
5. On November 19, 2009, the department caseworker received a cooperation notice from the Office of Child Support stating that the claimant was now considered to be cooperating in establishing paternity and in securing support. Department Exhibit 4.
6. On February 8, 2010, the department received a hearing request from the claimant's authorized representative, contesting the department's negative action.

CONCLUSIONS OF LAW

The Medical Assistance (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 of Human Services (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- . Determine eligibility.
- . Calculate the level of benefits.
- . Protect client rights. PAM, Item 105, p. 1.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of the necessary forms. PAM, Item 105, p. 5.

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the client when they need your help to obtain it. Such help includes the following:

- . Scheduling medical exam appointments
- . Paying for medical evidence and medical transportation
- . See PAM 815 and 825 for details. PEM, Item 260, p. 4.

All Programs

Clients must completely and truthfully answer all questions on forms and in interviews. PAM, Item 105, p. 5.

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. PAM, Item 105, p. 5.

Verifications

All Programs

Clients must take actions within their ability to obtain verifications. DHS staff must assist when necessary. See PAM 130 and PEM 702. PAM, Item 105, p. 8.

LOCAL OFFICE RESPONSIBILITIES

All Programs

Ensure client rights described in this item are honored and that client responsibilities are explained in understandable terms. Clients are to be treated with dignity and respect by all DHS employees. PAM, Item 105, p. 8.

REMOVING A SUPPORT DISQUALIFICATION

FIP, CDC Income Eligible, MA and FAP

Ask a disqualified client at application, redetermination or reinstatement if they are willing to cooperate. A disqualified member may indicate willingness to cooperate at any time. Immediately inform clients willing to cooperate to contact the support specialist by calling 1-866-540-0008 or 1-866-661-0005.

Bridges will **not** restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. End the non-cooperation record in Bridges if any of the following exist:

- You are notified by OCS that the client has cooperated.

MA only

Disqualified member is returned to the eligible group in the month of cooperation.

In the instant case, the claimant applied for benefits on November 5, 2009 with a retroactive request for August 2009. The claimant was previously sanctioned since July 2009 for non-cooperation of Child Support based on a letter that was sent to the claimant on July 17, 2009. On November 16, 2009, the department caseworker confirmed that the claimant was still in non-cooperation with Child Support. On November 16, 2009, the department sent the claimant and her authorized representative, [REDACTED] a denial notice stating that the claimant was not eligible for MA because she was in non-cooperation with the Office of Child Support and was disqualified from MA eligibility from July 2009 ongoing. On November 19, 2009, the Office of Child Support sent a cooperation notice stating that the claimant was now considered to be cooperating in establishing paternity and/or securing support effective November 19, 2009.

This Administrative Law Judge notes that the claimant had been in non-cooperation with Child Support from July 2009 to November 18, 2009. The claimant was not eligible for MA from her retroactive application date of August 2009. She is eligible for MA based on policy for November 2009, where BEM 255, p. 12 Child Support for MA only, cites disqualified member is returned to the eligible group in the month of cooperation, which in this case would be November 2009. The claimant's previous application was denied and closed. The claimant was eligible to reapply for the month of November 2009, but not eligible for any retroactive benefits before the month of November 2009.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department appropriately denied the claimant's November 5, 2009 application with retroactive benefits to August 2009 because the claimant was in non-compliance with Child Support. The claimant is only eligible for benefits for the month of November 2009 which is the month of her cooperation with the Office of Child Support if she filed a new application for the month of November 2009.

Accordingly, the department's decision is **AFFIRMED**.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: September 30, 2010

Date Mailed: October 1, 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.

CGF / vc

cc:

