

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

IN THE MATTER OF THE CLAIM OF:

[REDACTED]

Reg. No.: 201049044
Issue No.: 2006/4057
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date: November 8, 2010
Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

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 telephone hearing was held on November 8, 2010. The claimant appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (MA) due to the claimant's failure to cooperate with the Office of Child Support (OCS), and deny her application for automobile repairs?

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 December 8, 2009, the claimant applied for vehicle repairs to enable her to attend work.
2. On April 19, 2010, the department moved to close the claimants MA program for noncooperation with child support.
3. The Claimant testified that she had supplied the OCS and the court all the information she had on the child's father.
4. On June 23, 2010, the Claimant filed a request for a hearing.

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

Under Program Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

The Department received information that the Claimant had failed to cooperate with the office of child support. At the hearing the claimant testified that she had been in compliance with the OCS for some period of time.

The office of child support was unavailable and therefore unable to provide any evidence to the contrary. Therefore, the undersigned finds that the Claimant has complied and cooperated with the OCS.

The claimant also applied for vehicle repair to allow her to continue her job.

Vehicle Repair or Purchase

Verify that the cost of the vehicle or repairs will **not** exceed the vehicle's retail value. Acceptable verifications are a written statement from, or phone call to, a vehicle dealer or via the NADA Appraisal Guide on the DHS-Net, internet sites. [The NADA Appraisal Guide for Older Cars may be purchased from ESS funds.]

For vehicle repair, verify that the repair is expected to make the vehicle safe and roadworthy. The client requesting the service has a valid driver's license. If the client requesting the service does not have a valid drivers license, but has someone else use their vehicle to drive them, document the name of the person driving the vehicle. Verify a valid driver's

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license only if the information received is questionable.
(BEM 232, pp.25).

In the instant case the claimant testified that she had been attempting to have her automobile repaired so she could continue her work. The department had not decided the automobile repair issue and it was still pending on June 30, 2010.

It should be noted that the department is ordered to prioritize its use of direct support funds and are under no obligation to use the funds allotted for any particular purpose.

Funds for direct support services for FIP, CDC, MA, and FAP Families, are allocated to local offices annually. Local offices must prioritize the services provided to assure expenditures do not exceed their allocation. (BEM 232, p.1)

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds that the department erred in closing the claimant's MA, and REVERSES and ORDERS the Department to assume her compliance with the Office of Child Support and reinstate her MA back to April 30, 2010.



Michael J. Bennane
Administrative Law Judge
For Ismael Ahmed, Director
Department of Human Services

Date Signed: 12/1/2010

Date Mailed: 12/1/2010

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.

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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.

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