

**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.: 2010-52775
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: January 5, 2011
Wayne County DHS (55)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 hearing was held in Hamtramck, Michigan on Wednesday, January 05, 2011. The Claimant did not appear however her Authorized Representative ("AR"), [REDACTED] of [REDACTED], [REDACTED], appeared on her behalf. [REDACTED] and [REDACTED] appeared on behalf of the Department.

ISSUE

Whether the Department properly denied the Claimant's application for Medical Assistance ("MA-N")?

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 November 11, 2009, the Office of Child Support issued a Notice of Non-cooperation to the Claimant. (Exhibit 4)
2. The Claimant did not participate in the hearing process.
3. The Claimant/AR submitted an application for public assistance seeking MA-N benefits on June 4, 2010. (Exhibits 1, 5)
4. The Department denied the application on June 15, 2010. (Exhibit 1)
5. The Department did not provide a reason for the denial. (Exhibit 1)

6. The Claimant, based on an application, provided her child's father's name noting his address, phone number, and social security number were not known. (Exhibit 2)

CONCLUSIONS OF LAW

The Medical Assistance ("MA") program is established by Subchapter XIX of Chapter 7 of The Public Health & Welfare Act, 42 USC 1397, and is administered by the DHS 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 Bridges Reference Manual ("BRM").

The goal of the Medicaid program is to ensure that essential health care services are made available to those who otherwise could not afford them. BEM 105 Medicaid is also known as Medical Assistance ("MA"). *Id.* The Medicaid program is comprised of several categories; one category is for FIP recipients while another is for SSI recipients. *Id.* Programs for individuals not receiving FIP or SSI are based on eligibility factors in either the FIP or SSI program thus are categorized as either FIP-related or SSI-related. *Id.* To receive MA under an SSI-related category, the person must be aged (65 or older), blind, disabled, entitled to Medicare or formally blind or disabled. *Id.*

Cooperation is a condition of eligibility and is required in all phases of the process to establish paternity and obtain support. BEM 255 This includes contacting the support specialist when requested; providing all know information regarding the absent parent; appearing at the office of the prosecuting attorney when requested; and taking any actions needed to establish paternity and obtain child support. BEM 255 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. BEM 255 Failure to cooperate without good cause results in disqualification. BEM 255 If good cause exists, cooperation is excused as an eligibility requirement for the child involved. BEM 255

In this case, the Office of Child Support issued a Notice of Non-cooperation ("Notice") based on the Claimant's reported failure to provide information regarding her child's father. More specifically, the Claimant had failed to respond to two letters to contact the Office of Child Support. The Notice, which is generated in the normal course of business, created a rebuttable presumption of non-cooperation. The Claimant failed to appear at the hearing and the only evidence regarding "cooperation" was that the Claimant had provided the father's name on a Medical Assistance application but noted she had no other information. Testimony, supported by email communications, indicated that the Claimant had not contacted the Office of Child Support by the time of application as requested. Although the Claimant was not required to participate in the

hearing process because her Authorized Representative was present, the rebuttable presumption of non-cooperation stands as there was no testimony to establish that the Claimant had contacted the Office of Child Support or was otherwise cooperating. In light of the foregoing, it is found that the Department established it acted in accordance with department policy when it denied the Claimant's application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law finds the Department's determinations are AFFIRMED.

Accordingly, it is ORDERED:

The Department's determination is AFFIRMED.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
For Duane Berger, Director
Department of Human Services

Date Signed: 1/13/2011

Date Mailed: 1/13/2011

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.

CMM/jlg

cc:

