

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

IN THE MATTER OF:



Reg. No.: 2011-12279
Issue Nos.: 1005, 2006, 3008
Case No.: [REDACTED]
Hearing Date: January 26, 2011
DHS County: Wayne (82-43)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 January 26, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED].

ISSUE

Was the Department correct in taking negative action in Claimant's Family Independence Program (FIP), Medicaid and Food Assistance Program (FAP) cases for failing to cooperate with the Department?

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP, FAP and Medicaid recipient.
2. On November 15, 2010, the Department took negative action effective December 1, 2010, due to failure to cooperate with child support requirements.
3. On November 29, 2010, Claimant requested a hearing contesting the negative action.

CONCLUSIONS OF LAW

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 (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. FIP 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 Program Reference Manual (PRM).

FAP (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department administers FAP pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the BAM, BEM and PRM.

The Medicaid 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 administers the Medicaid program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in BAM, BEM and PRM.

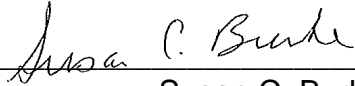
Clients must cooperate with the local Department office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide the information should be extended at least once. BAM 130. If the client refuses to provide the information or has not made a reasonable effort within the specified time, then policy directs that a negative action be issued. BAM 130.

In the present case, the Department did not submit into evidence a Notice of Non-cooperation issued to Claimant, nor did it submit testimony from the Office of Child Support or any other evidence substantiating Claimant's alleged noncooperation. Claimant testified credibly that she did not receive papers or a phone call from the Office of Child Support or from the Department regarding child support until after her case was closed. Without detailed proof of noncooperation, this Administrative Law Judge cannot find that Claimant failed to cooperate with respect to child support. Therefore, the Department was incorrect in its negative action against Claimant's FIP, FAP and Medicaid cases.

It should be noted that the Department representative left the hearing room to fax requested documents but failed to return the hearing room. After several attempts to contact the Department representative to no avail, this Administrative Law Judge continued the hearing without the presence of the representative.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department was not correct in its decision to take negative action against Claimant's FIP, FAP and Medicaid cases, and its decision is, therefore, REVERSED. It is ORDERED that Claimant's FIP, FAP and Medicaid benefits shall be reinstated as of December 1, 2010, if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 7, 2011

Date Mailed: February 7, 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.

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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.

SCB/pf

cc:

