

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Hearing

Reg No: 2011-29600
Issue No: 2006, 3006, 1003
Case No: [REDACTED]
Date: May 12, 2011

[REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 conducted from Detroit, Michigan on May 12, 2011. The Claimant appeared and testified. [REDACTED] ES also appeared and testified for the Department.

ISSUE

Whether the Department properly closed the Cash Assistance (FIP) benefits and Medical Assistance and decreased the Claimant's Food Assistance Program (FAP) due to non-cooperation with child support?

FINDINGS OF FACT

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

1. The Claimant was an ongoing recipient of Food Assistance (FAP) and Medicaid program benefits.

2. The Department sanctioned the Claimant's FAP and Medicaid for non cooperation with the Child Support Division effective February 1, 2011, her FAP benefits were reduced and her Medical assistance was closed.
3. The Claimant gave to the Office of Child Support worker the following information: The father of her child was named [REDACTED] and an address that she obtained from her girlfriend.
4. The Office of Child Support found that the Claimant did not cooperate as the information she provided was insufficient and vague.
5. The Claimant could no longer reach her girlfriend as she no longer had an active cell phone.
6. The Claimant requested a hearing on April 14, 2011 protesting the closure of her FAP and medical assistance due to non cooperation with child support.

CONCLUSIONS OF LAW

The Food Assistance Program (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 of Human Services (DHS or Department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 (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). The Family Independence Program (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 of Human Services (DHS or Department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program 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 Bridges Reference Manual (BRM).

In this matter the Claimant's benefits were affected when she was found to be non cooperative with the Department Office of Child Support's efforts in attempting to determine the paternity of her child. The reason for the Department's involvement is based on policy to strengthen families:

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 (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent.

DEPARTMENT POLICY

FIP, CDC Income Eligible, MA and FAP

The head of household and the parent of children 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 page 1

Exceptions to cooperation occur when good cause for non cooperation can be shown or requiring cooperation is against the child's best interest.

Based on the record presented, the Claimant did not provide sufficient or useful information to help the department determine the whereabouts and identity of the Claimant's child's father. The information provided to the Department was second

hand, acquired from a girlfriend of the Claimant's whom she can no longer reach. The name of the father was given as [REDACTED], a very common name, and an address. Under these facts it must be found that the Claimant was non cooperative with providing information regarding paternity and assisting the Department's attempts to locate the father to enforce child support obligations.

In this case the issue is whether the Claimant was non cooperative and whether the Department correctly determined that she was in non cooperation. Based on the testimony and evidence provided by the Department at the hearing, the Department has met its burden of proof to demonstrate that the Claimant was in non cooperation with the Division of Child Support when it issued its January 19, 2011 Notice of Case action. Therefore its determination to close the Claimant's Medical Assistance and reduce the Claimant's FAP benefits was correct and its determination of non cooperation is therefore upheld and AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's Medical Assistance case and properly reduced the Claimant's Food Assistance for non cooperation with child support, and its determination by Notice of Case Action of January 19, 2011 is AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 13, 2011

Date Mailed: June 14, 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.

LMF/cl

cc:

