

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

IN THE MATTER OF:



Reg. No: 20115678
Issue No: [REDACTED]
Case No: [REDACTED]
Hearing Date:
March 23, 2011
Jackson County DHS

ADMINISTRATIVE LAW JUDGE: William A. Sundquist

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 March 23, 2011. The claimant appeared and testified.

ISSUE

Was failure to comply with child support requirements established?

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 March 19, 2002, the claimant was sanctioned by OCS for failure to comply with child support requirements per BEM 255.
- (2) On March 24, 2010, L&S filed a MA application on behalf of the claimant.
- (3) On May 10, 2010, the DHS sent notice to claimant requesting her to contact OCS to comply with child support requirements.
- (4) On August 3, 2010, the application was denied based on the claimant's failure to cooperate with child support requirements.

CONCLUSIONS OF LAW

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 (DHS or department) 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).

The facts above are undisputed:

Regarding removing of a support disqualification, the DHS is required to ask a disqualified client, at time of application, if they are willing to cooperate. BEM Item 255, Page 11.

In this case, the claimant did not file the application. L&S did it on behalf of the claimant. So, the DHS gave the required notice after the application. The notice informed the claimant how to remove the sanction. It was not done by the claimant and the DHS denied the application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that failure to comply with child support requirements was established.

Accordingly, MA denial is UPHELD.

/s/
William Sundquist
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 12, 2011

Date Mailed: April 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 receipt 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.

WAS [REDACTED]

cc: [REDACTED]