

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

IN THE MATTER OF:



Reg. No: 20115697
Issue No: 2006
Case No: [REDACTED]
Hearing Date: April 27, 2011
Clinton 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 April 27, 2011. The claimant appeared and testified.

ISSUE

Was DHS required to mail the L&S/claimant DHS-2168, claimant good cause, at time of receipt of mail-in MA application?

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 [REDACTED], the claimant was placed on child support disqualification for failure to cooperate with the OCS.
- (2) On July 15, 2010, L&S applied for MA by mail-in on behalf of the claimant, was denied on July 22, 2010, per BEM 255, and requested a hearing on October 20, 2010.
- (3) On July 22, 2010, L&S/claimant were notified by mail that you must contact Katie Demapolis at 866-661-0005, ext. 6-0558 (OSC); that you or a group member failed to cooperate in establishing paternity for securing child support. Call your specialist if the non-cooperating person wishes to

cooperate or has good cause not to cooperate, per BEM 255 (DHS exhibits 24, 25, 27, and 28).

- (4) L&S expected the claimant to appear at the hearing; the hearing was delayed a half hour at L&S' request for the claimant's appearance; and she did not appear.

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:

BEM 255, page 2, pertinent part, states:

Inform the individual of the right to claim good cause by giving them a DHS-2168, claim of good cause, at application.

The application was mailed to the DHS. L&S/claimant were not present to receive the above DHS/2168.

L&S argued that the DHS should have mailed the form to L&S/claimant. But, L&S did not provide DHS policy to support its claim.

The DHS attempted, anyway, to reach L&S/claimant by an alternative means. It mailed them the above-mentioned notices to contact the OCS regarding who to contact by phone number regarding cooperation and child support requirements.

All L&S/claimant had to do was to pick-up the phone and cooperate.

The claimant did not cooperate with L&S by not appearing for the hearing.

CLIENT OR AUTHORIZED REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

20115697/WAS

cc:

