

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:



Reg. No.: 2011-6572  
Issue No.: 1005/2006  
Case No.: [REDACTED]  
Load No.: [REDACTED]  
Hearing Date: January 27, 2011  
Wayne County DHS (49)

**ADMINISTRATIVE LAW JUDGE:** Michael J. Bennane

**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 January 27, 2011. The claimant appeared and testified.

**ISSUE**

Did the Department properly deny the claimant's Medical Assistance (MA) and Family Independence Program (FIP) applications due to the claimant's failure to cooperate with the Office of Child Support (OCS)?

**FINDINGS OF FACT**

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

1. On October 27, 2010, the claimant applied for MA and FIP.
2. On October 27, 2010, the department denied the claimant's MA and FIP application for noncooperation with child support.
3. The Claimant testified that she had supplied the OCS and the court all the information she had on the child's father.
4. On October 30, 2010, the Claimant filed a request for a hearing.

**CONCLUSIONS OF LAW**

The Medical Assistance (MA) 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).

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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 (formerly known as the Family Independence Agency) 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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Department received information that the Claimant had failed to cooperate with the office of child support. At the hearing, the claimant testified that she had been in compliance with the OCS for some period of time.

The Office of Child Support was unavailable and therefore unable to provide any evidence to the contrary. Therefore, the undersigned finds that the Claimant has complied and cooperated with the OCS.

**DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the department erred in closing the claimant's MA, and REVERSES and ORDERS the Department to assume her compliance with the Office of Child Support and reregister her MA and FIP application back to October 27, 2010.



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Michael J. Bennane  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 03/01/2011

Date Mailed: 03/01/2011

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**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.

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