

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

IN THE MATTER OF:



Reg. No: 20117183
Issue No: 2006
Case No: [REDACTED]
Hearing Date
March 30, 2011
Ingham 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 30, 2011. The claimant appeared and testified.

ISSUE

Was notice given to the claimant about removal of child support sanction at time of 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 August 12, 2009 L&S, on behalf of the claimant, filed an application for MA and was approved effective September 1, 2009 and denied on September 3, 2009 for the month of August based on a child support sanction with a hearing request on May 13, 2010.
- (2) On September 3, 2009, the office of child support removed the child support sanction period.

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:

Ask a disqualified client at application, if they are willing to cooperate. A disqualified member may indicate willingness to cooperate, at any time. Immediately inform clients willing to cooperate to contact the support specialist by calling [REDACTED] or [REDACTED] BEM 255 Page 11.

L&S represented the claimant at time of application and did not, evidently, advise the claimant of the sanction/removal requirement.

The DHS representative testified that the policy above had been followed because in order for the Office of Child Support to remove the sanction, the claimant would have had to appear at and cooperate with the Office of Child Support. L&S did not have the claimant appear at the hearing to testify to the contrary.

Therefore, L&S has not established the DHS noncompliance with notice requirements for sanction/removal requirements.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that notice was given to claimant about removal of child support sanction at time of MA action or as soon as possible thereafter.

Accordingly, MA denial for August 2009 is UPHeld.

/s/

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

Date Signed: May 9, 2011

Date Mailed: May 9, 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 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/ar

cc:

