

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

IN THE MATTER OF:

[REDACTED]

Reg. No:

[REDACTED]

ADMINISTRATIVE LAW JUDGE: [REDACTED]

HEARING DECISION

This matter is before the undersigned Administrative Law Judge by authority of MCL 400.9 and MCL 400.37. Claimant's request for a hearing was received on [REDACTED]. After due notice, a telephone hearing was held on [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility?

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 Food Assistance Program (FAP) and Medical Assistance (MA) recipient.
2. The Department determined that the Claimant was in noncooperation with the Office of Child Support.
3. On [REDACTED], the Department notified the Claimant that it would terminate his Food Assistance Program (FAP) and Medical Assistance (MA) benefits.
4. The Department received the Claimant's request for a hearing on [REDACTED] protesting the termination of his Food Assistance Program (FAP) and Medical Assistance (MA) benefits.

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

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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

Failure to cooperate without good cause results in ineligibility for benefits. Bridges will close or deny benefits when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255.

The Department has the burden of proving that its actions were a proper application of its policies. The Department had a duty to present the following:

- An explanation of the action(s) taken.
- A summary of the policy or laws used to determine that the action taken was correct.
- Any clarifications by central office staff of the policy or laws used.
- The facts which led to the conclusion that the policy is relevant to the disputed case action.

The DHS procedures ensuring that the client received adequate or timely notice of the proposed action and affording all other rights. BAM 600.

In this case, the Department terminated the Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits for failure to cooperate with the Office of Child Support. The Department determined that the Claimant became cooperative with the Office of Child Support on [REDACTED]

The Claimant testified that he has always cooperated with the Office of Child Support.

The Department has failed to offer testimony or evidence to establish that the Claimant has failed to cooperate with the Office of Child Support.

Based on the evidence and testimony available during the hearing, the Department has failed to establish that it properly determined the Claimant's eligibility for the Food Assistance Program (FAP) and Medical Assistance (MA).

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has not established that it properly determined the Claimant's eligibility for Medical Assistance (MA) or the Food Assistance Program (FAP).

Accordingly, the Department's Food Assistance Program (FAP) and Medical Assistance (MA) eligibility determination are REVERSED. It is further ORDERED that the Department shall:

1. Provide the Claimant the opportunity to clarify whether he has cooperated with the Office of Child Support.
2. Initiate a determination of the Claimant's eligibility for Food Assistance Program (FAP) and Medical Assistance (MA) as of [REDACTED].
3. Provide the Claimant with written notification of the Department's revised eligibility determination.
4. Issue the Claimant any retroactive benefits she may be eligible to receive, if any.

_____/s/_____
[REDACTED]

Date Signed: _____

Date Mailed: _____

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 60 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.

[REDACTED]