

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

IN THE MATTER OF:

Issue

[REDACTED]

Reg. No.: 2011-27463

No.: 2006

Case No.: [REDACTED]

Hearing Date: May 18, 2011

DHS County: Macomb (12)

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

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; M SA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on May 18, 2011. The Claimant was represented by her Authorized Representative ADVOMAS.

**ISSUE**

Did the Department of Human Services (DHS or Department) properly deny the Claimant's Medical Assistance (MA)?

**FINDINGS OF FACT**

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

1. On October 27, 2010, the Claimant applied for MA.
2. On February 28, 2011, the Department denied the Claimant's MA application for noncooperation with the Office of Child Support (OCS).
3. On March 17, 2011, the Claimant filed a request for a hearing.

**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 (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 Bridges Reference Manual (BRM).

The Department denied her MA due to noncooperation with the OCS.

At the hearing the Department was unable to present documentation of the Claimant's noncooperation. The Department testified that it had been told by OCS that the Claimant was in cooperation before the denial of her MA. The Department was unable to address when this compliance began.

The OCS was not a participant in the hearing and there was no evidence, outside of testimony, as to the Claimant's alleged noncooperation.


In *Black v Dept of Social Services*, 195 Mich App 27 (1992), the Court of Appeals addressed the issue of burden of proof in a non-cooperation finding. Specifically, the court in *Black* ruled that to support a finding of non-cooperation, the agency has the burden of proof to establish that the mother (1) failed to provide the requested verification and that (2) the mother knew the requested information. The *Black* court also emphasized the fact that the mother testified under oath that she had no further information and the agency failed to offer any evidence that the mother knew more than she was disclosing. *Black* at 32-34.

This Administrative Law Judge finds that the OCS has not met the burden described above.

### **DECISION AND ORDER**

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department to reregister the Claimant's September 27, 2010, MA application.

Michael  
Administrative  
for  
Department

  
\_\_\_\_\_  
J. Bennane  
Law Judge  
Maura Corrigan, Director  
of Human Services

Date Signed: June 23, 2011

Date Mailed: June 23, 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 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.

MJB/cl

cc:

