

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-6144
Issue No.: 2006
Case No.: [REDACTED]
Hearing Date: February 7, 2011
Oakland County DHS (04)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

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 February 7, 2011. [REDACTED] of [REDACTED] ([REDACTED]) appeared and testified as Claimant's authorized hearing representative. On behalf of Department of Human Services (DHS), [REDACTED], Manager, appeared and testified. The undersigned made several attempts to telephone a second DHS representative for participation within the hearing but those attempts were not successful.

ISSUE

Whether DHS properly denied Claimant's application for Medical Assistance based on a disqualification due to child support.

FINDINGS OF FACT

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

1. In 2007, DHS determined that Claimant was uncooperative with obtaining child support.
2. As a result of the DHS determination, DHS applied a child support disqualification to Claimant's benefits.
3. On 7/28/10, Claimant's representative ([REDACTED]) submitted an Assistance Application to DHS requesting MA benefits for Claimant including retroactive MA benefits back to 4/2010.

4. On 7/30/2010, DHS denied Claimant's application for MA benefits on the basis that Claimant is disqualified for MA benefits due to Claimant's non-cooperation with child support.
5. On 10/20/10, [REDACTED] requested a hearing disputing the denial of Claimant's 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 (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 Reference Tables Manual (RFT). The BAM and BEM manuals describe how child support actions affect ongoing benefit cases. Office of Child Support (OCS) policies are found in the Combined IV-D Policy Manual (4DM) and the Child Support Manual (CSM).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

Federal and state laws and regulations require that applicants and recipients of Medicaid benefits cooperate with OCS in obtaining child support as a condition of benefit eligibility. 4DM 115 at 1. The goal of the cooperation requirement is to obtain support. *Id.* OCS and DHS policy is to find a client out of compliance with the cooperation requirement only as a last resort. *Id.* Information provided by the client provides a basis for determining the appropriate support action. *Id.* Cooperation from the client will enhance and expedite the process of establishing paternity and obtaining support. *Id.*

BAM 600 covers the DHS policy for administrative hearings including deadlines for clients to file hearing requests. Clients have 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 at 4.

In the present case, [REDACTED] disputed the denial of MA benefits based on a child support disqualification from 2007. As the child support disqualification was imposed approximately three years prior to the submission of the [REDACTED] hearing request, [REDACTED] is untimely in any dispute concerning whether the original disqualification was proper. [REDACTED] may dispute the DHS actions concerning the denial of their application dated 7/28/10 requesting MA benefits.

At application, Bridges (the DHS database) imposes a child support disqualification based on the non-cooperation record when all of the following are true:

- There is a notice of noncooperation in the case record or the client appears on the child support non-cooperation report.
- There is not a subsequent notice that the non-cooperating member has cooperated.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending.

A failure to cooperate in obtaining child support without good cause results in MA benefit disqualification. BEM 255 at 11. The individual who failed to cooperate is not eligible for MA when both of the following are true:

- The child for whom support/paternity action is required receives MA.
- The individual and child live together. *Id.*

█ did not dispute any of the above circumstances. It is found that DHS properly imposed a child support disqualification to Claimant's MA benefit application.

Bridges will not restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. *Id.* at 12. DHS specialists are directed to end the non-cooperation record in Bridges if any of the following exist:

- DHS is notified by OCS that the client has cooperated.
- Support/paternity action is no longer a factor in the client's eligibility (for example child leaves the group).
- For FIP only, the client cooperates with the requirement to return assigned support payments, or an over issuance is established and the support is certified. *Id.*

In the present case, Claimant was absent from the administrative hearing. Claimant's AHR, █, had no first-hand evidence concerning Claimant's cooperation with child support. █ offered testimony in the basis of statements made by Claimant to █; the undersigned rejected the testimony based on its hearsay nature.

DHS specialists are to inform clients of the right to claim good cause by giving them a DHS-2168, Claim of Good Cause - Child Support, at application, before adding a member and when a client claims good cause. BEM 255 at 1. █ contended that DHS failed to establish that a DHS-2168 was provided at application and therefore Claimant should not have been denied MA benefits. The undersigned is not inclined to adopt the

█ argument. There is no evidence that Claimant ever made a claim of good cause for not cooperating with child support, either to DHS or at the administrative hearing. Without a claim of good cause by Claimant, the undersigned finds the alleged failure by DHS to inform Claimant of the right to claim good cause as irrelevant. Based on the total lack of evidence from Claimant to dispute the child support disqualification by DHS, it is found that DHS properly denied Claimant's application for MA benefits dated 7/28/10.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied Claimant's MA benefit application dated 7/28/10 due to a child support disqualification. The actions taken by DHS are AFFIRMED.

Christian Gardocki

Christian Gardocki
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 2/10/2011

Date Mailed: 2/10/2011

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.

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