

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: 20116872
Issue No: 2006
Case No: [REDACTED]
Hearing Date: March 10, 2011
Bay County DHS

ADMINISTRATIVE LAW JUDGE: Janice G. Spodarek

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon claimant's request for a hearing. After due notice, a three-way telephone hearing was held on March 10, 2011. Claimant's representative appeared from his office in [REDACTED]. Claimant appeared at the local office in [REDACTED] in [REDACTED].

ISSUE

Did the DHS properly deny claimant's MA application on the grounds that claimant was in a child support noncooperation status?

FINDINGS OF FACT

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

1. On June 29, 2010, claimant's representative filed an MA application on behalf of claimant.
2. A review of claimant's file revealed on ongoing child support disqualification. On July 14, 2010, the DHS issued a denial for the following reason:

You or a group member failed to cooperate with child support requirements. Call your specialist if the noncooperating person wishes to cooperate or has good cause not to cooperate. Exhibits 25-27.

3. Claimant has been in a disqualification noncooperation status effective December 5, 2007. Exhibit 34.
4. On November 8, 2010, the local office had a phone call with claimant regarding the child support sanction. No further information was supplied. No good cause reason was made. Exhibit 30.
5. On October 14, 2010, claimant's representative filed a hearing request.

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).

Applicable policy and procedure to the case herein is found in BAM Items 105, 130, 220, 600. Specific to child support sanction policy procedure, that policy is found primarily in BEM Item 255.

BEM Item 255 regarding the issues herein specifically states:

Child support.

MA Member Disqualification MA

Failure to cooperate without good cause results in disqualification. 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 the child live together.

BEM Item 255, pg 10. Exhibit 37.

Both of the facts identified above are true in this case.

Policy further states in BEM Item 255 that a disqualification support sanction can be removed at any time if the client cooperates. When there is an application, a redetermination, or reinstatement the department is required to ask the client if they are willing to cooperate. BEM Item 255, pg 11. Exhibit 38.

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.

JGS/db

cc:

