

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2012 12497
Issue No. 1003, 2006, 3008
Case No. [REDACTED]
Hearing Date: February 2, 2012
Wayne County DHS (76)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 2, 2012. The Claimant appeared and testified. [REDACTED], Assistant Payment Supervisor and [REDACTED], FIS, appeared on behalf of the Department of Human Services. [REDACTED], Lead Specialist, [REDACTED], Child Support Specialist, appeared as a witness for the Department.

ISSUE

Whether the Department properly removed the Claimant from her FAP group and closed her Medical Assistance and FIP cash assistance due to non cooperation with 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. The Claimant was an ongoing recipient of food assistance (FAP). FIP cash assistance and Medical Assistance.
2. The Department reduced the Claimant's FAP benefits on 11/1/11 and removed the Claimant from her FAP group, closed her FIP case and removed her Medical Assistance benefits, for failing to cooperate in establishing paternity or securing child support. Exhibit 1.
3. The Claimant was sent several prior notices by the Office of Child Support and was found in non cooperation by the Office of Child Support in May 2007.

4. On October 10 2011, the Department sent a Notice of Case Action to the Claimant, closing her FIP cash assistance case, reducing her FAP benefits and closing her Medical Assistance. (The Claimant's child still receives medical assistance and food assistance).
5. Subsequent to the Notice of Case Action the Claimant contacted the Office of Child support and completed an application with the Friend of the Court for child support benefits.
6. In the application, the Claimant identified the father of her child as African American with black hair and brown eyes; no other information was provided. This description was confirmed by the Claimant at the hearing. Exhibit 2.
7. At the hearing the Claimant provided the alleged father's name as [REDACTED] and had no other information to provide.
8. The Claimant requested a hearing on 11/14/11 protesting the reduction of her FAP benefits, the closure of her Medical Assistance and FIP cash assistance due to non cooperation with child support.

CONCLUSIONS OF LAW

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Assistance (MA) program is established by the 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 Program Reference Manual (PRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

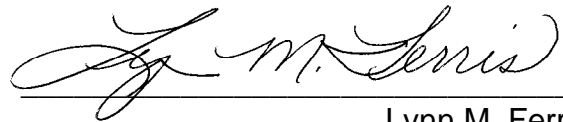
In the record presented, the Claimant responded when she received the Notice of Case Action, which is the subject of this hearing request and Claimant's non cooperation. There were several other notices sent to the Claimant in 2006 and 2007 which were not responded to that would have affected her case, however, the Claimant's case was not closed for non cooperation until November 1, 2011.

The Evidence clearly established that the Claimant filed a request for child support benefits with Wayne County Friend of the Court, however, the information she provided regarding the father of her child was so broad and lacking in detail that the father could not be identified. Based upon the information that it had at the time, the Department's 10/10/11 Notice of Case Action closing the FIP case and removing the Claimant from receiving FAP and MA benefits was correct. The subsequent information of the father's identity contained in the application for child support provided no basis to find that the description provided was cooperation with the child support process, or the Office of Child Support. The description of the father as African American, black hair and brown eyes could apply to many individuals, and is meaningless and not useful to identify the father of the Claimant's child.

The naming of the child's father at the hearing without any further information also does not require that the Claimant be found in cooperation. The Office of Child Support may use this information, but unless it leads to identification of the father, Claimant's non cooperation must stand. Accordingly, it is determined that the Department did meet its burden of proof and properly reduced the Claimant's food assistance and closed the Claimant's Medical Assistance and FIP cash assistance due to non cooperation. BEM 255.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, it is found that the Department properly closed the Claimant's Medical Assistance case and properly removed the Claimant from her FAP group for non cooperation with child support. The Department's actions are AFFIRMED.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

201154812/LMF

Date Signed: February 8, 2012

Date Mailed: February 8, 2012

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases).

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

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cc:

