

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

IN THE MATTER OF:



Reg. No: 201226332
Issue No: 2006
Case No: [REDACTED]
Hearing Date: March 6, 2012
Wayne County DHS #35

ADMINISTRATIVE LAW JUDGE: COREY A. ARENDT

HEARING DECISION

This matter is before me pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on March 6, 2012. The Claimant and Agency appeared by telephone and provided testimony.

ISSUE

Whether the Department properly removed the Claimant from her Medical Assistance (MA) group due to noncooperation with child support?

FINDINGS OF FACT

I find as material fact, based upon the competent, material and substantial evidence on the whole record:

1. The Claimant was receiving MA benefits when the Department removed the Claimant from her MA group for allegedly not complying with the Office of Child Support.
2. On or around December 28, 2011, the Department sent the Claimant a Notice of Case Action. The Notice indicated the Department was removing the Claimant from her MA group.
3. On January 9, 2012, the Claimant submitted to the Department a hearing request.

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. BAM 600. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support (OCS), the Friend of the Court and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255, p. 1.

Clients 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.

Absent parents are required to support their children. Support includes all the following:

- . Child support
- . Medical support
- . Payment for medical care from any third party.

Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits, and/or case closure, depending on the program.

Exceptions to the cooperation requirement are allowed for all child support actions except failure to return court-ordered support payments received after the payment effective date. Grant good cause only if:

- . requiring cooperation/support action is against the child's best interests, and
- . there is a specific "good cause" reason.

If good cause exists, cooperation is excused as an eligibility requirement for the child involved. It can still be required for another child in the same family. BEM 255, pp. 1-2.

Cooperation is a condition of eligibility. The following persons in the eligible group are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending.

- . Grantee and spouse.
- . Specified relative/person acting as a parent and spouse.
- . Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support and includes all of the following:

- . Contacting the SS when requested.
- . Providing all known information about the absent parent.
- . Appearing at the office of the prosecuting attorney when requested.
- . Taking any actions needed to establish paternity and obtain child support (e.g., testifying at hearings or obtaining blood tests).

In this matter, the Department did not present any evidence to indicate the Claimant was noncompliant with the Office of Child Support. Additionally, there was no representative from the Office of Child Support present for testimony at the time of the hearing.

Therefore, based on the evidence presented during the hearing, I find the Department improperly removed the Claimant from her MA group for failure to comply with the Office of Child Support.

DECISION AND ORDER

I find, based upon the above findings of fact and conclusions of law, that the Department improperly removed the Claimant from her MA group due to child support noncooperation.

The Department is to initiate a redetermination of the Claimant's eligibility for MA benefits beginning December 1, 2011 and issue retroactive benefits if otherwise eligible and qualified.

Accordingly, the Department's actions are **REVERSED**.

/s/ _____
Corey A. Arendt
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: March 6, 2012

Date Mailed: March 7, 2012

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.

CAA/cr

cc:

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