

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

IN THE MATTER OF:



Reg. No.: 2012-50899
Issue No.: 2003, 3008
Case No.: [REDACTED]
Hearing Date: June 6, 2012
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on Wednesday, June 6, 2012. The Claimant appeared and testified. Participating on behalf of Department of Human Services ("Department") was [REDACTED] participated on behalf of the Office of Child Support.

ISSUE

Whether the Department properly terminated FAP and MA benefits effective April 1, 2012 based on the failure to complete the redetermination process?

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 FAP and MA recipient.
2. On May 14, 2011, the Office of Child Support ("OCS") sent the First Contact Letter to the Claimant requesting the Claimant contact the OCS to provide information regarding the non-custodial parent to be submitted no later than August 9, 2011. (Exhibit 1)
3. The OCS did not receive any information.

4. On August 18, 2011, the OCS sent a Final Customer Contact Letter to the Claimant requesting information regarding the non-custodial parent be submitted no later than December 29, 2011. (Exhibit 2)
5. On September 1, 2011, the Claimant's FAP benefits were reduced to \$200.00, reflecting one group member, as a result of non-compliance with the FIP (cash assistance) benefit program.
6. The OCS did not have any communication with the Claimant regarding the non-custodial parent.
7. On January 6, 2012, the OCS sent a Non-Cooperation Notice to the Claimant informing her that she was found to be non-cooperative based on the failure to respond to the two previously sent letters. (Exhibit 3)
8. On March 12, 2012, the Department sent a redetermination packet to the Claimant regarding continued FAP and MA eligibility with a due date of April 5, 2012.
9. The redetermination packet was not received by the due date.
10. On April 19, 2012, the Department sent a Notice of Case Action to the Claimant regarding the closure of the MA case.
11. On April 27, 2012, the Department received the Claimant's written request for hearing protesting the FAP allotment and the closure of MA benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

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 Michigan Admin Code, Rules 400.3101 through 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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 Michigan Admin Code, Rules 400.3001 through 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.

The Adult Medical Program (“AMP”) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (“SDA”) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services, formerly known as the Family Independence Agency, administers the SDA program pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3151 through 400.3180.

The Child Development and Care (“CDC”) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, Rules 400.5001 through 400.5015.

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. Cooperation is a condition of eligibility. BEM 255. The head of household and the parent of children 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. BEM 255.

For FAP and MA purposes, the failure to cooperate without good cause results in member disqualification. BEM 255. The remaining eligible group members will continue to receive benefits. BEM 255. 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. BEM 255. A disqualified member is returned to the eligible group, active for benefits, in the month of cooperation. BEM 255.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client’s verbal or written statements. BAM 130. Clients are allowed 10 calendar days (or other time limit

specified in policy) to provide the requested verification(s). BAM 130. For FAP and MA purposes, benefits stop at the end of the benefit period **unless** a redetermination is completed **and** a new benefit period is certified. BAM 210. If the client does not complete the redetermination process, benefits expire at the end of the benefit period. BAM 210.

In this case, the OCS sent two letters to the Claimant, one dated May 1, 2011 and the second dated August 18, 2011, requesting information regarding the non-custodial parent. The Claimant testified that she sent in the requested information in May 2011; however, the OCS never received it. After the second letter was received, indicating it was a Final Customer Contact Letter, the Claimant did not contact the OCS to inquire why she received the letter in light of her testimony that she had complied. Instead, there was no communication which resulted in the imposition of the non-cooperation sanction in January 2012. Generally, the imposition of the sanction would have resulted in the Claimant's FAP benefits being reduced as a result of the Claimant being removed from the group. Here, the Claimant was previously found non-compliant with the work-related requirements and, thus, she was already removed from the FAP group effective September 1, 2011.

Regarding the redetermination: The Claimant acknowledged receipt of the redetermination and agreed she did not submit the packet by the April 5, 2012 due date. On April 19, 2012, the Department sent a Notice of Case Action to the Claimant informing her that benefits would terminate effective May 1, 2012 unless the redetermination was completed and a new benefit period was certified. The Claimant requested a hearing; however, the redetermination packet was not received until May 1, 2012, after the benefit period had expired.

Ultimately, under the facts presented, the Department established it acted in accordance with department policy when it found the Claimant non-cooperative with the OCS resulting in the imposition of the sanction. Additionally, the Department established it acted in accordance with department policy when the benefits were terminated effective May 1, 2012 after not receiving the redetermination and, therefore, a new benefit period was not certified. Accordingly, the Department's actions are AFFIRMED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department established it acted in accordance with policy when it imposed the non-cooperation sanction and when it terminated benefits after not being able to complete the redetermination process.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated above and on the record.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: June 8, 2012

Date Mailed: June 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 at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

CMM/cl

cc:

