

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201269461
Issue No.: 1003; 2006; 3008
Case No.: [REDACTED]
Hearing Date: October 3, 2012
County: Wayne DHS (35)

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 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 3, 2012 from Detroit, Michigan. Participants included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED] Specialist.

ISSUES

The first issue is whether DHS properly terminated Claimant's eligibility for Family Independence Program (FIP) benefits and reduced Claimant's eligibility for Food Assistance Program (FAP) benefits due to failing to cooperate with establishing child support.

The second issue is whether DHS established a basis for a termination to Claimant's Medical Assistance (MA) benefit eligibility.

FINDINGS OF FACT

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

1. Claimant was an ongoing FAP and FIP benefit recipient.
2. Claimant is the mother of two children.
3. On an unspecified date, the Office of Child Support (OCS) contacted Claimant concerning paternity of her two children.

4. Claimant called OCS numerous times including leaving voicemail messages informing OCS of the name of her children's father and his social security number.
5. On an unspecified date, Claimant was deemed uncooperative with establishing child support for her children.
6. On 7/7/12, DHS initiated termination of Claimant's FIP benefit eligibility and a reduction in FAP benefit eligibility, both actions to be effective 8/2012.
7. On 8/2/12, DHS initiated termination of Claimant's ongoing MA benefit eligibility effective 9/2012.
8. On 8/8/12, Claimant requested a hearing to dispute the adverse actions taken to her FIP, FAP and MA benefit eligibility.

CONCLUSIONS OF LAW

The Food Assistance Program (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). DHS administers the FAP pursuant to Michigan Compiled Laws 400.10, *et seq.*, and Michigan Administrative Code R 400.3001-3015. DHS regulations are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* DHS administers the FIP pursuant to MCL 400.10, *et seq.* and MAC R 400.3101-3131. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

Claimant requested a hearing, in part, because of a FIP benefit termination and FAP benefit reduction. Both actions were established as occurring because of an alleged failure by Claimant to cooperate with OCS to establish child support for her two children. Office of Child Support (OCS) policies are located in the Combined IV-D Policy Manual (4DM) and Child Support Manual (CSM).

Concerning FIP and FAP benefit eligibility, the custodial parent or alternative caretaker 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 (12/2011), p. 1. Failure to cooperate without good cause results in disqualification. *Id.* Disqualification includes member removal, as well as denial or closure of program benefits, depending on the type of assistance. *Id.* The support specialist (i.e. OCS) determines cooperation for required support actions. *Id.*, p. 8.

It was not disputed that DHS determined Claimant to be uncooperative with establishing child support for her two children. DHS presented no evidence to support the determination. Claimant stated that she contacted OCS on several occasions and that she has never successfully talked with her assigned support specialist. Claimant stated that she left several voicemails for her support specialist including leaving the name of her children's father and his social security number. Claimant's testimony was credible and unrebutted. Based on the presented evidence, it is found that Claimant was not uncooperative in obtaining child support for her two children. Accordingly, the FIP benefit termination and FAP benefit reduction were improper.

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). DHS 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).

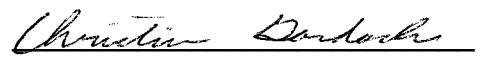
DHS stated that Claimant's MA benefit eligibility terminated due to an alleged failure to verify checking account information. DHS conceded in their Hearing Summary that the program "closed in error" and was reinstated. DHS provided testimony that Claimant's MA benefit eligibility was pending and not reinstated. Based on the presented evidence, it is found that DHS improperly terminated Claimant's MA benefit eligibility.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly took adverse actions to Claimant's FAP, FIP and MA benefit eligibility. It is ordered that DHS:

- (1) reinstate Claimant's FAP and FIP benefit eligibility effective 8/2012 subject to the finding that Claimant was not uncooperative with establishing child support;
- (2) reinstate Claimant's MA benefit eligibility effective 9/2012 subject to the finding that DHS failed to establish any basis for the benefit termination;
- (3) supplement Claimant for any benefits not issued as a result of the improper DHS actions; and
- (4) remove the relevant child support disqualification from Claimant's support history.

The actions taken by DHS are REVERSED.


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

Date Signed: 10/12/2012

Date Mailed: 10/12/2012

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

CG/hw

cc:



C. Gardocki
MAHS