

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

IN THE MATTER OF:



Reg. No.: 201274037
Issue No.: 1003; 2006; 3008; 6019
Case No.: [REDACTED]
Hearing Date: October 24, 2012
County: Wayne (15)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 24, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], JET Case Worker.

ISSUE

Did the Department properly close Claimant's Child Development and Care (CDC), Medical Assistance (MA) and Family Independence Program (FIP) cases and reduce her Food Assistance Program (FAP) benefits for noncooperation with child support reporting obligations?

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 applied for benefits received benefits for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input checked="" type="checkbox"/> Child Development and Care (CDC). |

2. The Department closed Claimant's CDC, FIP, and MA cases and reduced her FAP benefits after removing her as a qualified member of her FAP group, all due to her noncooperation with child support reporting obligations.

3. On August 14, 2012, Claimant filed a hearing request, protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained 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, 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, R 400.3101 through Rule 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 (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, R 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.

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 2000 AACS, R 400.3151 through Rule 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 1999 AC, R 400.5001 through Rule 400.5015.

Additionally, the custodial 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 (December 1, 2011), pp 1, 10-11.

In this case, the Department testified that its system indicated that Claimant was not in cooperation with her child reporting obligations as of June 8, 2012. Although the Department did not provide a Notice of Case Action showing which benefits were affected and the effective dates of any changes, it confirmed that Claimant's MA, FIP and CDC cases were closed and her FAP benefits were reduced as a result of the noncooperation. Based on the testimony presented, the changes concerning Claimant's CDC, FAP and MA cases took effect on July 31, 2012 but the FIP case closed in early July 2012.

At the hearing, the Department testified that the only evidence it had concerning the child support noncooperation was the sanction that appeared on its system showing that Claimant was noncompliant with her child support reporting obligations with respect to her two youngest children as of June 8, 2012 and that this sanction continued to appear on its system as of the hearing date. Claimant testified that she had provided the Office of Child Support (OCS) with all the information she had concerning the children's father, noting that the father was identified on the children's birth certificates and that she had not received any notice from the OCS advising her of any noncompliance. Claimant also credibly testified that she had tried calling the OCS, but no one responded to her calls. She added that she left her contact information on the recording and was waiting for an application packet that the recording advised her she would receive. The Department testified that it had not attempted to include OCS in the hearing, and, while it generally received a packet from OCS to support the child support sanction, it did not receive one for the current hearing.

In light of any lack of Department evidence to support its finding that a valid child support sanction had been applied to Claimant's case and to counter Claimant's credible testimony, the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it closed Claimant's MA, FIP and CDC cases and reduced her FAP benefits on the basis of Claimant's failure to comply with child support reporting obligations. Furthermore, an adult member's MA case must have an ex-parte review before closure because of a failure to cooperate, and the Department did not present any evidence in the current case that such an ex parte review occurred in this case. BEM 255, p 11.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department improperly closed Claimant's FIP, MA, and CDC cases and removed her as a member of her FAP case.


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 did act properly. did not act properly.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support noncooperation of June 8, 2012 from Claimant's record;
2. Reinstate Claimant's FIP, MA and CDC cases from the July 2012 closure dates;
3. Begin recalculating Claimant's FAP benefits to include Claimant as a group member, in accordance with Department policy, for August 1, 2012, ongoing;
4. Issue supplements for any FIP, CDC, and FAP benefits Claimant was otherwise eligible to receive but did not from July 1, 2012, ongoing;
5. Provide Claimant with the MA coverage she was eligible to receive from August 1, 2012, ongoing; and
6. Notify Claimant in writing of its decision in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 10/29/2012

Date Mailed: 10/29/2012

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

ACE/hw

cc:

