

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201249973
Issue No.: 2006 3008
Case No.: [REDACTED]
Hearing Date: May 31, 2012
County: Wayne DHS (57)

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 May 31, 2012 from Detroit, Michigan. Participants on included the above named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, [REDACTED], Specialist, [REDACTED], Office of Child Support (OCS) Specialist, and [REDACTED], OCS Specialist.

ISSUES

The first issue is whether DHS properly found Claimant to be uncooperative with obtaining child support concerning Medical Assistance (MA) and Food Assistance Program (FAP) benefit eligibility effective 3/2012.

The second issue is whether DHS terminated Claimant's ongoing FAP benefit eligibility due to a failure to fully verify employment income.

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 MA and FAP benefit recipient.
2. On 1/20/12, DHS determined Claimant was uncooperative with establishing paternity for Claimant's daughter based on Claimant's failure to respond to two letters requesting information on paternity.

3. On 1/25/12, DHS terminated Claimant's MA benefit eligibility due to the finding that Claimant was uncooperative with establishing paternity for her daughter (see Exhibit 1).
4. On 1/30/12, Claimant reported to DHS that she was unable to identify the father of her daughter.
5. DHS properly found that Claimant's reporting did not affect the previous finding that Claimant was uncooperative with establishing paternity for her daughter.
6. On an unspecified date, DHS requested 30 days of employment income verification from Claimant.
7. On an unspecified date, Claimant submitted two weekly pay stubs to DHS, one for 3/9/12 and one for 3/30/12.
8. DHS subsequently requested check stubs from Claimant for 3/16/12 and 3/23/12.
9. Claimant failed to timely return either requested pay stub to DHS.
10. On 4/20/12, DHS terminated Claimant's FAP benefit eligibility due to a failure by Claimant to submit employment income verification.
11. On 4/25/12, Claimant requested a hearing to dispute the MA and FAP benefit terminations.

CONCLUSIONS OF LAW

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).

The present case concerned an issue of MA and FAP benefit termination. The MA benefit termination was based on Claimant's alleged failure to cooperate with establishing child support for her daughter. Office of Child Support (OCS) policies are located in the Combined IV-D Policy Manual (4DM) and Child Support Manual (CSM).

Federal and state laws and regulations require that applicants and recipients of FIP, MA and FAP benefits cooperate with OCS in obtaining child support as a condition of benefit eligibility. 4DM 115 at 1. The goal of the cooperation requirement is to obtain child support. Information provided by the client provides a basis for determining the appropriate support action. *Id.* Cooperation from the client will enhance and expedite the process of establishing paternity and obtaining support. *Id.*

The Child Support Specialist (CSS) obtains information and determines a client's cooperation except for issues of client received support and applications by day care clients. *Id.* at 3. The Support Specialist is required to inform the client of the obligation to cooperate in providing information and taking actions to obtain support. *Id.* at 4. The Support Specialist must also inform the client about support disqualifications and the possibility that the agency will proceed with support action without client cooperation. *Id.*

Cooperation includes, but is not limited to: identifying the non-custodial parent or alleged father, locating the non-custodial parent (including necessary identifying information and whereabouts, if known), appearing at reasonable times and places as requested to provide information or take legal action (e.g., appearing at the office of the Support Specialist, the Prosecuting Attorney, or the Friend of the Court, or as a witness or complainant at a legal proceeding) and providing all known, possessed or reasonably obtainable information upon request which relates to establishing paternity and /or securing support. *Id.* at 2. Non-cooperation exists when: a client willfully and repeatedly fails or refuses to provide information and/or take an action resulting in delays or prevention of support action. *Id.* OCS and DHS policy is to find a client out of compliance with the cooperation requirement only as a last resort. *Id.* at 1.

It was not disputed that OCS sent Claimant two letters requesting Claimant to contact OCS and that Claimant failed to respond to the letters. Consequently, DHS imposed child support sanctions on Claimant's MA benefit eligibility on 1/25/12. After Claimant received the notice informing her of the MA benefit eligibility termination, Claimant contacted OCS.

On 1/30/12, Claimant informed OCS that her daughter was conceived at a party when she had relations with more than one person. Claimant also reported that she could not identify any of the persons who would potentially be fathers.

It must be emphasized that a failure to provide useful information about a child's father is not, by itself, a basis to find that a client is uncooperative. If a client truly has no information to provide about a child's father, then the client cannot be said to be uncooperative without evidence of some other failure to cooperate. The issue of cooperation then comes down to a client's credibility and whether it is believed that a client is providing accurate information to DHS.

Claimant testified that she was unable to call specifics about the address of the house where the child was conceived, any names of the potential fathers, the owner of the house where the child was conceived or who invited her to the party. Claimant also stated she drove by the house but that the house was no longer standing. Claimant's total lack of information in any helpful details is supportive of finding that she was uncooperative in establishing paternity.

It was not disputed that Claimant told OCS on 1/30/12 that her daughter was given her father's last name. Claimant testified at the hearing that her daughter was named after her grandmother. When Claimant was asked about the discrepancy, she stated that her

grandmother is her father's mother and that the child was named after her grandmother. Claimant's clarification did not fully address why she would have informed OCS that the child was named after her father. This evidence supports a finding that Claimant was uncooperative with establishing child support.

Claimant's child had a different last name from herself. As noted above, Claimant testified that her daughter was named after her grandmother. Typically, children are given the last name of a biological father or mother, not a grandmother. To support her testimony, Claimant brought an obituary from a funeral home for a person with her daughter's last name, which Claimant stated was her grandmother. This evidence tended to verify Claimant's testimony.

Following Claimant's testimony, the testifying OCS specialist thought to inquire about the children named in the woman's obituary. The obituary noted that the woman had four daughters and two sons; Claimant's father was not named as a son within the obituary. This makes it less likely that the presented obituary was for Claimant's grandmother; thus, the evidence tends to support a finding that Claimant was uncooperative in establishing paternity.

Based on the presented evidence, it is found that Claimant was uncooperative in establishing child support for her daughter. Accordingly, the DHS termination of Claimant's MA benefit eligibility is found to be proper.

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). Updates to DHS regulations are found in the Bridges Policy Bulletin (BPB).

There was also a dispute concerning a FAP benefit termination effective [REDACTED]. It was not disputed that DHS requested 30 days of employment income verification from Claimant and that Claimant returned two weekly pay stubs (dated 3/9/12 and 3/30/12). It was also not disputed that DHS subsequently requested pays information from Claimant for the weeks between 3/9/12 and 3/30/12 and that Claimant did not return the income information prior to the effective date of the corresponding Notice of Case Action (Exhibit 2).

Claimant brought one of the missing pay stubs to the administrative hearing. The purpose of an administrative hearing is not to give clients additional time to submit information to DHS, it is only to determine whether the actions taken by DHS were proper.

For FAP benefits, DHS is to send a negative action notice when the client indicates a refusal to provide a verification, or the time period given has elapsed and the client has not made a reasonable effort to provide it. BAM 130 at 5. Claimant alleged that her assigned specialist informed her that DHS would obtain the income verifications for Claimant. The assigned specialist was absent from the hearing and could not refute Claimant's testimony. However, Claimant's lack of credibility concerning the child support issue tainted her credibility on the issue of returning verifications. It is found that Claimant failed to timely verify requested income information. Accordingly, it is found that DHS properly terminated Claimant's FAP benefit eligibility effective 6/2012.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly terminated Claimant's MA benefit eligibility effective 3/2012 and FAP benefit eligibility effective 6/2012. The actions taken by DHS are AFFIRMED.



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

Date Signed: June 7, 2012

Date Mailed: June 7, 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:

