

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

IN THE MATTER OF:

[REDACTED]

Reg. No. 2012 70386
Issue No. 3008, 2006
Case No. [REDACTED]
Hearing Date: September 13, 2012
Wayne County DHS (17)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on September 13, 2012. The claimant, [REDACTED], appeared and testified. The Claimant's daughter, [REDACTED] (the group member who was found to be in non cooperation), appeared and testified. [REDACTED], Assistance Payments Worker appeared on behalf of the Department of Human Services. [REDACTED], Lead Specialist, of the Office of Child Support and [REDACTED], Child Support Specialist appeared as witnesses for the Department.

ISSUE

Whether the Department properly removed the Claimant's daughter from Claimant's FAP group and closed Claimant's daughter's Medical Assistance due to non cooperation with child support.

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 recipient of food assistance (FAP) and Medical Assistance.
2. The Department issued a Notice of Case Action on July 24, 2012, which reduced the Claimant's FAP benefits, effective 9/1/12, by removing the Claimant's daughter from her FAP group, and closing her daughter's Medical Assistance case effective 9/1/12 for failure to cooperate in establishing paternity or securing child support. (Exhibit A pp 1 -11)

3. The Claimant's daughter spoke with the Office of Child Support (OCS) on July 30, 2012, and was asked to provide the OCS the address on [REDACTED] where she said the father of her child resided in the past with his grandmother.
4. The Office of Child Support (OCS) sent the Claimant's daughter an interview follow up letter, specifically requesting that the Claimant's daughter provide the last known address information for the father of her child. (Exhibit 1 pp 34)
5. The OCS did not receive a response to its letter and placed the Claimant's daughter in non cooperation.
6. The Claimant's daughter knew the location of the home, but did not provide the address to the Department.
7. The Claimant requested a hearing on 8/6/12 protesting the reduction of her FAP benefits and the closure of the Medical Assistance for Claimant's daughter due to non cooperation with child support.

CONCLUSIONS OF LAW

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, Rule 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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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

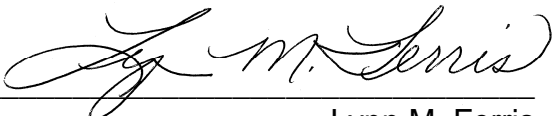
In the record presented, the Claimant's daughter did respond to the OCS and provided information regarding the name of the father of her child, a physical description, a birth date and that he lived on [REDACTED] with his grandmother in the past. The Department explained that based upon the information provided, a name matching the name given to them as the father's, but with a different birth date was shown as residing on [REDACTED]. Based upon this information the Claimant was asked to provide the address on [REDACTED] so the OCS could determine if the potential father was found. The Department asked the Claimant's daughter during the phone interview on July 30, 2012, to get them an address and followed up with a letter confirming its request.

At the hearing, the Claimant's daughter testified that she knew the house but not the address, and had made no effort to go by the location and determine the address. The Claimant's daughter gave no legitimate excuse for not having obtained the requested information, and thus it is determined that the OCS and the Department properly respectively found non cooperation and closed the Claimant's daughter's Medical Assistance and removed her from the FAP group. Based upon the record as a whole, it appears that the Claimant has not attempted to locate the absent father and has not been forthcoming with providing the address information requested.

Based upon the information that has been provided by the Claimant's daughter regarding the father of her child, and testimony of the parties, it is determined that the Claimant's daughter has not cooperated with the OCS. Thus, it is determined that the Department properly closed the Claimant's daughter's Medical Assistance and properly removed the Claimant's daughter from the Claimant's FAP group. The actions of the Department were in conformance with Department policy. Accordingly, it is determined that the Department did meet its burden of proof and properly reduced the Claimant's food assistance and closed the Claimant's daughter's Medical Assistance due to non cooperation. Bridges Eligibility Manual (BEM) 255 (2011).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law it is found that the Department properly closed the Claimant's Medical Assistance and FIP cash assistance case and properly removed the Claimant from her FAP group for non cooperation with child support.. The Department's actions on are AFFIRMED .



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

2012 70386/LMF

Date Signed: September 19, 2012

Date Mailed: September 19, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:



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