

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

IN THE MATTER OF:



Reg. No.: 201270846
Issue No.: 1003, 2000
Case No.: [REDACTED]
Hearing Date: March 14, 2013
County: Wayne DHS (55)

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 March 14, 2013 from Detroit, Michigan. Participants included the above-named claimant. Participants on behalf of Department of Human Services (DHS) included [REDACTED], Manager, and [REDACTED], Child Support Specialist.

ISSUES

The first issue is whether Claimant timely requested a hearing for case actions occurring more than 90 days prior to her hearing requests.

The second issue is whether DHS took any adverse actions concerning Claimant's child's Medical Assistance (MA) eligibility.

The third issue is whether DHS properly determined Claimant to be ineligible for Family Independence Program (FIP) benefits due to child support non-cooperation.

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 FIP benefit recipient.
2. On an unspecified date, Claimant was deemed uncooperative with obtaining child support for one of her three children.

3. On 5/9/12, DHS initiated termination of Claimant's FIP benefit eligibility, effective 5/2012, due to a child support disqualification.
4. On 5/22/12, the FIP benefit termination became effective.
5. On 5/23/12, DHS determined Claimant to be cooperative with obtaining child support.
6. On an unspecified date, DHS restarted Claimant's FIP benefit eligibility, effective 6/2012, due to Claimant's eventual child support cooperation.
7. On 8/10/12, Claimant requested three hearings concerning the following case action dates: 12/17/11, 4/19/12 and 7/13/12.

CONCLUSIONS OF LAW

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).

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 client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. BAM 600 (2/2013), p. 4. On 8/10/12, Claimant submitted three hearing requests to DHS. Two of the hearing requests concerned case actions from more than 90 days prior to 8/10/12. Claimant is not entitled to hearings to dispute the DHS case actions from 12/17/11 and 4/19/12 due to her failure to timely request a hearing.

Claimant was timely in submitting a dispute for the DHS case action dated 7/13/12. Claimant testified that her hearing request was submitted to dispute a lapse in her FIP benefit eligibility and in her daughter's Medicaid coverage.

DHS presented testimony that Claimant's daughter suffered no lapse in Medicaid coverage. Claimant conceded that she has not received any medical bills for her daughter. Claimant had no evidence to suggest that her daughter's Medicaid coverage lapsed. It is found that DHS took no adverse actions concerning Claimant's daughter's Medicaid coverage.

There was a lapse in Claimant's FIP benefit eligibility. It was not disputed that DHS terminated Claimant's FIP eligibility starting in 5/2012. Subsequently, DHS restarted the FIP benefits, effective 6/2012. Claimant's only dispute concerns the absence of FIP from 5/2012.

DHS contended that the FIP benefit termination was proper based on Claimant's failure to comply with child support requirements. Specifically, DHS contended that Claimant failed to report identifying information concerning her child's father.

Any individual required to cooperate who fails to cooperate without good cause causes group ineligibility for a minimum of one month. BEM 255 (12/2011), p. 10. Claimant had until the date before the effective date of her FIP benefit termination to cooperate with child support without receiving any penalty. Claimant missed the date by two days. Thus, if Claimant was uncooperative with child support, the one month without FIP benefits is the proper penalty.

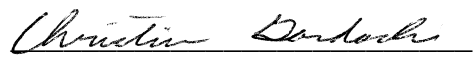
Claimant contended that she made several telephone calls to the Office of Child Support shortly before the FIP benefit closure. After checking their records, DHS presented testimony denying that Claimant made any communications to establish paternity for one of her children.

DHS is known to send at least two notices prior to imposing a child support disqualification. It is difficult to find favorably for Claimant when she had previous opportunities to establish paternity. Further, Claimant had no evidence to verify communications with DHS. Based on the presented evidence, it is found that DHS properly imposed a one month penalty against Claimant for failing to cooperate with child support.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that Claimant failed to timely request a hearing concerning DHS case actions from 12/17/11 and 4/19/12. Claimant is also found to have failed to establish any adverse actions concerning her daughter's Medicaid coverage. Claimant's hearing request is PARTIALLY DISMISSED.

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly penalized Claimant's FIP benefit eligibility for 5/2012 due to a failure to cooperate with child support. The actions taken by DHS are AFFIRMED.


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

Date Signed: 3/21/2013

Date Mailed: 3/21/2013

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:

