

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

IN THE MATTER OF:

[REDACTED] [REDACTED]

Reg. No. 2013 29135
Issue No. 3008, 2006
Case No. [REDACTED]
Hearing Date: March 13, 2013
Wayne County DHS (76)

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 March 13, 2013. The claimant appeared and testified. [REDACTED] Assistance Payments Supervisor, appeared on behalf of the Department of Human Services. [REDACTED], Lead Senior Child Support Specialist of the Office of Child Support, appeared on behalf of the Office of Child Support and testified as a witness for the Department.

ISSUE

Whether the Department must reinstate the Claimant's membership to her FAP and MA group once cooperation is established.

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 benefits.
2. The Department and the Office of Child Support acknowledged at the hearing that the Claimant was in cooperation with the Office of Child Support as of January 3, 2012, however the Office of Child Support did not communicate the cooperation status of the Claimant until March 11, 2013.
3. The Department Issued a Notice of Case Action on February 13, 2013, which approved Claimant's benefits without her in the FAP or MA group due to non-cooperation.

4. At the hearing the Department acknowledged that the Claimant did not receive her full FAP benefits for the months beginning June 1, 2012 through March 31, 2013 due to the fact that the Claimant's cooperation status was not put in the system.
5. The Claimant requested a hearing on February 11, 2013 protesting the reduction of her FAP benefits and the closure of her Medical Assistance case 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.

The Child Development and Care 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 of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

In the record presented, the Department and the Office of Child Support ("OCS") acknowledged and agreed that the Claimant had provided information to the OCS which caused the OCS to find Claimant in cooperation as of January 3, 2012. Based upon this stipulation it is determined that the cooperation status date is undisputed and the

Claimant should have been included as a member of her FAP group and her medical assistance should have been reinstated once her cooperation was established. The fact that the OCS did not provide proper information to the Department or input the cooperation date to the Bridges System to advise the Department does not change the facts. At the hearing the Department indicated that as of June 1, 2012 through March 31, 2013 the Claimant had been removed from her FAP group due to non cooperation and that her removal was not correct.

Based upon the record as a whole, it is determined that the Claimant was in cooperation as of January 3, 2012 and was entitled to be restored to her FAP group and her Medical Assistance case should have been reinstated as of June 1, 2012. Therefore the Department's action is reversed and the Claimant's should be reinstated in accordance with Department policy.

Based upon the information that has been provided by the Claimant, and the testimony of the parties, it is determined that the Claimant has cooperated with the OCS as of January 3, 2012. Thus, the Department improperly failed to reinstate the Claimant to her FAP group and reinstate the Claimant's Medical Assistance.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department improperly closed the Claimant's Medical Assistance and Child Development and Care case and improperly removed the Claimant from her FAP group for non cooperation with child support. The Department's actions are REVERSED.

Accordingly it is ORDERED:

1. The Department shall reinstate the Claimant to her FAP group based on the date of cooperation January 3, 2012 and reinstate the MA case based on the cooperation date of January 3, 2012 in accordance with Department policy.
2. The Department shall issue a supplement to the Claimant for FAP benefits she was otherwise entitled to receive beginning June 1, 2012 removal date through March 31, 2013 in accordance with Department policy.



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

Date Signed: March 21, 2013

Date Mailed: March 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 to:

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

LMF/cl

cc:

