

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

IN THE MATTER OF:



Reg. No. 2013 31789
Issue No. 2006, 3008, 5008
Case No. [REDACTED]
Hearing Date: March 27, 2013
Oakland County DHS (04)

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 27, 2013. The claimant appeared and testified. [REDACTED], ES, Assistance Payments Worker, appeared on behalf of the Department of Human Services. The Office of Child Support did not appear.

ISSUE

Whether the Department properly removed the Claimant from her FAP group and closed her Medical Assistance (MA) and FIP Cash 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).
2. The Claimant's SER application was denied on February 13, 2013 due to non-cooperation with child support requirements.
3. The Claimant was sent a verification check list on November 30, 2012 with a due date of December 10, 2012. The Claimant did not return the verification identification for each member of her household by the due date.
4. The Department issued a Notice of Case Action on February 13, 2013, closed the Claimant's medical assistance effective March 1, 2013 and closed the

Claimant's Food Assistance March 1, 2013 due to failure to provide the requested verification by the due date.

5. The Claimant did speak with the Office of Child Support but did not provide any information regarding the father of her child, except that she met him at a bar in [REDACTED] and his name was [REDACTED]. Claimant did not provide the father's last name or any other useful information to assist the Office of Child Support in locating the father of her child.
6. The Claimant testified that she only met the father of her child for one night at a bar in Mississippi while she was attending a family funeral.
7. The information provided by the Claimant did not assist the Office of Child Support to locate the alleged father.
8. The Claimant requested a hearing on February 19, 2013 protesting the pending removal of her FAP benefits and the closure of her Medical Assistance case for failure to verify information and lastly the denial of her SER application 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

In the record presented, the Claimant has responded to a Final Notice of Non-Cooperation and discussed the matter with the Office of Child Support (OCS). The Claimant provided no useful information to assist the OCS in locating the father of her

child. The Claimant advised the OCS only with the first name of the father. No full name, birth date or address was provided. The Claimant further testified that she had sex one time with the father that they used protection but the protection broke and she became pregnant when back in Michigan several weeks later. The Claimant at no time sought to locate or identify the father, even after the pregnancy protection had failed. At the hearing the Claimant further testified that she intentionally left the bar without the group she was with, so that none of those persons knew who she left with. The OCS does not expect the Claimant to locate the alleged father, but is required to provide the most basic of information (name, birth date, social security number and address).

The Claimant's cooperation has been less than useful. Because the Claimant knew her protection had failed and would have been alerted to the fact that she might conceive a child as a result, it is difficult to understand why the Claimant did nothing to determine the name or further identification of the person she had sex with. The Claimant's testimony was less than credible, and her lack of efforts overall to find out more about the alleged father of her child does not exhibit cooperation. Further the Claimant's testimony was not believable. The Office of Child Support notes indicate that "while attending a funeral the Claimant left a hotel to go sleep with this guy and has no information and no one saw her leave" The OCS reasonably concluded that it did not accept this information as a valid story.

Based upon the record as a whole, it appears that the Claimant has not attempted to locate the absent father, nor has Claimant been forthcoming with any information. The information she provided does not give sufficient information to locate the father.

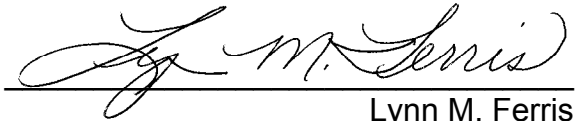
Based upon the information that has been provided by the Claimant, and the testimony of the parties, it is determined that the Claimant has not cooperated. Thus, the Department properly denied her SER case due to non-cooperation.

Likewise the Department properly pended the Claimant's FAP case due to non-cooperation as of April 1, 2013. The Department's eligibility summary provided at the hearing indicates that the Claimant's FAP case did not close due to failure to complete the verification checklist. As regards the Claimant's medical assistance the Department properly closed the MA case due to failure to verify information as the Claimant testified that she provided the information late.

The Claimant may reapply for her children to receive medical assistance and food assistance but is not eligible to receive benefits for herself due to her non-cooperation with the Office of Child Support. BEM 255 pp 11, (12/1/12).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department properly closed the Claimant's Medical Assistance case and denied the Claimant's SER application and pended her FAP benefits for non-cooperation with child support. The Department's actions are AFFIRMED.



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

Date Signed: April 3, 2013

Date Mailed: April 3, 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.

2013 31789/LMF

Request must be submitted through the local DHS office or directly to MAHS by mail to:

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

LMF/cl

cc:

