

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-36672
Issue No.: 1025, 2018, 3019
Case No.: [REDACTED]
Hearing Date: April 22, 2013
County: Wayne (82-76)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 April 22, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUES

1. Did the Department properly deny Claimant's Family Independence Program (FIP) application due to her failure to establish paternity and/or obtain child support?
2. Did the Department properly disqualify Claimant from her Food Assistance Program (FAP) benefits due to her failure to establish paternity and/or obtain child support?
3. Did the Department properly close Claimant's Medical Assistance (MA) benefits due to her failure to submit a redetermination packet?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On an unspecified date and as of this hearing, Claimant is in non-cooperation status with the Office of Child Support (OCS).
2. Claimant was an ongoing recipient of FAP and MA benefits.

3. On December 13, 2012, the Department sent Claimant a Notice of Case Action informing her that she was disqualified from her FAP benefits effective January 1, 2013, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 6.
4. On February 12, 2013, the Department sent Claimant a redetermination packet regarding her MA and FAP benefits and scheduled Claimant for a telephone interview on March 4, 2013. Exhibit 5.
5. The Department never received a completed redetermination packet from Claimant.
6. On March 12, 2013, Claimant applied for FIP benefits.
7. On March 12, 2013, the Department sent Claimant a Verification Checklist (VCL) requesting Claimant contact OCS and comply with the OCS requirements by March 22, 2013. Exhibit 2.
8. Claimant neither contacted OCS nor complied with OCS by March 22, 2013.
9. On March 18, 2013, the Department sent Claimant a Notice of Case Action informing her that her MA benefits for one of her children closed effective April 1, 2013, ongoing, due to her failure to submit a redetermination packet. Exhibit 4.
10. On March 25, 2013, the Department sent Claimant a Notice of Case Action informing her that her MA benefits for her other child closed effective March 1, 2013, due to her failure to submit a redetermination packet. Exhibit 3.
11. Also, the March 25, 2013, Notice of Case Action informed Claimant that the Department denied her FIP application effective April 1, 2013, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 3.
12. On March 18, 2013, Claimant filed a hearing request, protesting the Department's actions for (i) closure of her MA benefits, (ii) denial of her FIP application, and (iii) disqualification from FAP benefits.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

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

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, R 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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

MA Benefits

A client must complete a redetermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 (November 1, 2012), p. 1. For MA cases, benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210, p. 2.

Additionally, clients must report changes in circumstance that potentially affect eligibility or benefit amount. BAM 105 (March 2013), p. 7. Changes must be reported within 10 days of receiving the first payment reflecting the change. BAM 105, p. 7. Other changes must be reported within 10 days after the client is aware of them, which includes address and shelter cost changes that result from the move. BAM 105, p. 7.

In this case, on February 12, 2013, the Department sent Claimant a redetermination in connection with her MA benefits. Exhibit 5. The redetermination was due on March 4, 2013, and a telephone interview was scheduled on March 4, 2013. The Department did

not receive a completed redetermination by the due date. Therefore, the Department closed Claimant's MA case effective March 1, 2013, for one of her children and April 1, 2013, for her other child, based on her failure to submit a completed redetermination. Exhibits 3 and 4.

At the hearing, Claimant credibly testified that she never received the redetermination packet. The February 12, 2013, redetermination packet was addressed to Claimant's prior address. Claimant credibly testified that she reported her address change to her former caseworker on November 28, 2012. Claimant testified that her prior caseworker required proof of her address change, and Claimant stated that she brought her lease agreement to the Department office on or around December 1, 2012, to show proof of her address change.

Based on the foregoing information and evidence, Claimant credibly testified that she properly reported her address change per the requirements of BAM 105. BAM 105, p. 7. Claimant reported her change of address prior to the date of the redetermination packet. The Department failed to update her new address. Thus, the Department improperly closed Claimant's MA benefits effective March 1, 2013, ongoing, in accordance with Department policy due to its failure to mail the redetermination packet to the correct address.

FIP Benefits

The custodial parent of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (December 2011), p. 1. Failure to cooperate without good cause results in disqualification. BEM 255, p. 1. For FIP applications, the client has 10 days to cooperate with the OCS. BEM 255, p. 10. The Department informs the client to contact the OCS in the verification check list (VCL). BEM 255, p. 10. The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true: there is a begin date of non-cooperation in the absent parent logical unit of work; there is not a subsequent comply date; support/paternity action is still a factor in the child's eligibility; and good cause has not been granted nor is a claim pending. BEM 255, p. 10.

In this case, Claimant applied for FIP benefits on March 12, 2013. On March 12, 2013, the Department sent Claimant a VCL requesting Claimant contact OCS and comply with the OCS requirements by March 22, 2013. Exhibit 2. Claimant testified that she did receive the VCL letter dated March 12, 2013. Claimant also testified that she never contacted OCS by the VCL due date nor has she contacted OCS by this hearing to resolve her non-cooperation issue. Thus, on March 25, 2013, the Department sent Claimant a Notice of Case Action informing her that it denied her FIP application effective April 1, 2013, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 3.

Based on the foregoing information and evidence, the Department properly followed procedures to deny Claimant's FIP application. When Claimant is in non-cooperation status with OCS at the time of a FIP application, the Department informs Claimant to contact OCS in a VCL and allows them 10 days to cooperate. BEM 255, p. 10. Claimant testified that she did not take any action to contact OCS. Thus, the Department properly denied Claimant's FIP application effective April 1, 2013, ongoing, in accordance with Department policy due to her failure to establish paternity and/or obtain child support. BEM 255, pp. 1 and 10.

FAP Benefits

For FAP cases, failure to cooperate with OCS without good cause results in disqualification of the individual who failed to cooperate. BEM 255, p. 11. The individual and his/her needs are removed from the FAP Eligibility Determination Group (EDG) for a minimum of one month. BEM 255, p. 11. The remaining eligible group members will receive benefits. BEM 255, p. 11.

In this case, Claimant was an ongoing recipient of FAP benefits. On December 13, 2012, the Department sent Claimant a Notice of Case Action informing her that she was disqualified from her FAP benefits effective January 1, 2013, ongoing, due to her failure to establish paternity and/or obtain child support. Exhibit 6.

As the previous FIP benefit analysis stated above, Claimant testified that she never contacted OCS to resolve her non-cooperation status which resulted in a reduction in FAP benefits. Claimant has not contacted OCS nor taken any steps to resolve the non-cooperation. Thus, the Department properly disqualified Claimant from her FAP benefits effective January 1, 2013, ongoing, in accordance with Department policy due to her failure to establish paternity and/or obtain child support. BEM 255, pp. 1 and 11.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department (i) improperly closed Claimant's MA benefits; (ii) properly denied Claimant's FIP application; and (iii) properly disqualified Claimant from her FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated above and on the record, finds that the Department did act properly in denying Claimant's FIP application and disqualifying Claimant from her FAP benefits, but improperly closed Claimant's MA benefits in accordance with Department policy.

Accordingly, the Department's FIP and FAP decision is AFFIRMED and the Department's denial of MA benefits effective March 1, 2013, ongoing, is REVERSED.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate redetermination of Claimant's MA benefit eligibility, beginning March 1, 2013;
2. Issue supplements to Claimant for any MA benefits she was eligible to receive from March 1, 2013, ongoing; and
3. Notify Claimant in writing of its decision in accordance with Department policy.



Eric Feldman
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: April 25, 2013

Date Mailed: April 25, 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

2013-36672/JWO

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

EJF/pf

cc:

