

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

IN THE MATTER OF:

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Reg. No. 2013 37150
Issue No. 3008, 2006
Case No. ██████████
Hearing Date: June 17, 2013
Wayne County DHS (15)

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 June 17, 2013. The claimant appeared and testified pursuant to sign language. ██████████ a sign language interpreter, appeared on behalf of the Claimant as interpreter, and ██████████ ██████████ also appeared as the Claimant's Authorized Hearing Representative. ██████████ ██████████ ES, appeared on behalf of the Department of Human Services. No one from the Office of Child Support appeared at the hearing.

ISSUE

Whether the Department properly removed the Claimant from her FAP group and closed her and Medical Assistance case due to non-cooperation with the Office of 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 Benefits (MA).
2. The Department issued a Notice of Case Action on March 19, 2013 which reduced the Claimant's FAP benefits effective May 1, 2013, by removing the Claimant from her FAP group and closing Claimant's Medical Assistance due to failure to cooperate in establishing paternity or securing child support. Exhibit 3

3. The Office of Child Support did not appear at the hearing.
4. On February 12, 2013 the Office of Child Support found the Claimant in non-cooperation. Exhibit 2.
5. The Claimant responded by use of her video phone when she received the letter from the Office of Child Support asking for information regarding the father of her son Juquan Wells. The claimant's phone allowed her to speak through an interpreter at which time her interpreter left a message regarding the pertinent information requested by the Office of Child Support.
6. The Claimant's AHR, Brenda Neubeck, also contacted the Office of Child Support on Claimant's behalf on the following dates, December 18, 2012, January 18, 2013, January 29, 2013 and February 21, 2013, to give the Office of Child Support the pertinent and relevant information regarding the identity of the father of the Claimant's child. The AHR also emailed an employee of the Office of Child Support and provided the following information, [REDACTED]. The names of [REDACTED] other children were also supplied. Claimant Exhibit A.
7. The Claimant and her AHR did not receive any return phone call or email.
8. The information provided by the Claimant at the hearing and previously communicated to the Office of Child Support provided sufficient information to the Office of Child Support to determine the whereabouts of Claimant's child's father.
9. The Claimant requested a hearing on May 9, 2013 protesting the reduction of her FAP benefits the closure of her Medical Assistance and FIP 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).

In the record presented both the Claimant and her AHR provided detailed and sufficient information that had the Office of Child Support responded, would have allowed for a quick determination whether the information was sufficient to find the Claimant cooperated. The Claimant and her AHR both credibly testified under oath that numerous attempts to satisfy the Office of Child support's requests were made to no avail. Under these circumstances there appears to have been no basis on the record presented for the OCS to find the claimant in non-cooperation. Based on the information available to it, while the Department correctly took action by Notice of Case Action, it is determined that the information provided by the Office of Child Support was incorrect.

At the hearing the Claimant provided information on the record which is incorporated in the Findings of Fact as Claimant Exhibit A which supplied all the pertinent information requested by OCS. See Finding of Fact 6.

Based upon the information that has been previously provided by the Claimant, and the testimony of the parties, it is determined that the Claimant has cooperated and did so as early as December 18, 2012, well prior to the date of the Notice of Case Action issued March 26, 2013. Therefore it is also determined that the Department improperly closed the Claimant's Medical Assistance benefits and improperly removed the Claimant from her FAP group.

DECISION AND ORDER

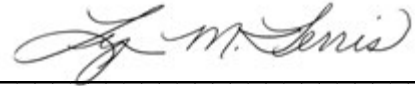
The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department improperly closed the Claimant's Medical Assistance and FIP case and improperly removed the Claimant from her FAP group for non cooperation with child support. The Department's actions are REVERSED.

Accordingly it is ORDERED:

1. The Department shall initiate reinstatement of the Claimant to her FAP group as of May 1, 2013.
2. The Department shall issue a FAP supplement to the Claimant she was otherwise entitled to receive in accordance with Department policy.
3. The Department shall initiate reinstatement of the Claimant's Medical Assistance retroactive to May 1, 2013.

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4. The Department shall initiate steps to remove the non-cooperation finding entered by OSC as of February 15, 2013.



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

Date Signed: June 18, 2013

Date Mailed: June 18, 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

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LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
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