

**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES**

**IN THE MATTER OF:**



Reg. No.: 201340218  
Issue No.: 2006, 3000, 6015  
Case No.: [REDACTED]  
Hearing Date: May 9, 2013  
County: Washtenaw

**ADMINISTRATIVE LAW JUDGE:** Gary F. Heisler

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on May 9, 2013. Claimant appeared and testified. There was no Office of Child Support representative participating in this hearing. It is noted that Claimant's Food Assistance Program (FAP) application was denied after the request for hearing was submitted. That portion of this hearing is dismissed. Claimant may still request a hearing about the FAP denial within 90 calendar days of the date of written notice of the denial.

**ISSUE**

Did the Department of Human Services properly deny Claimant's March 18, 2013 application for Medical Assistance (MA), Child Development and Care (CDC) and Food Assistance Program (FAP) for failure to cooperate with the Office of Child Support?

**FINDINGS OF FACT**

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

- (1) On March 18, 2013, Claimant submitted an application for Medical Assistance (MA), Food Assistance Program (FAP) and Child Development and Care (CDC) benefits. Claimant's benefit group consisted of herself and her newborn infant.
- (2) On March 26, 2013, Claimant was sent notice that her Medical Assistance (MA) and Child Development and Care (CDC) application was denied for failure to cooperate with the Office of Child Support.
- (3) On April 5, 2013, Claimant submitted a request for hearing.

**CONCLUSIONS OF LAW**

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). The Department of Human Services (DHS or department) 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 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 (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

In this case the Department took action based on a non-cooperation entry by the Office of Child Support. Claimant testified that she submitted specific information about her [REDACTED] [REDACTED] to the Office of Child Support twice before applying for benefits. The record in this case contains no evidence from the Office of Child Support as required by Department of Human Services Bridges Administration Manual (BAM) 600 (2013) page 16. For that reason the Department has not met its burden of going forward with evidence to show their action was correct. The Department cannot be upheld.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly deny Claimant's March 18, 2013 application for Medical Assistance (MA), Child Development and Care (CDC) and Food Assistance Program (FAP) for failure to cooperate with the Office of Child Support.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is further ORDERED that Claimant's March 18, 2013 application be reinstated and processed in accordance with Department policy.

/s/  
\_\_\_\_\_  
Gary F. Heisler  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 5/10/13

Date Mailed: 5/13/13

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**NOTICE:** Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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

GFH/tb

cc:

