

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

**IN THE MATTER OF:**



Reg. No.: 201344092  
Issue No.: 2006, 3008  
Case No.: [REDACTED]  
Hearing Date: May 30, 2013  
County: Calhoun

**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 30, 2013. Claimant appeared and testified. The Department was represented by FIM [REDACTED], ES [REDACTED], and CSS Lead Worker [REDACTED].

**ISSUE**

Did the Department of Human Services properly close Claimant's Medical Assistance (MA) and remove her from the Food Assistance Program (FAP) benefit group 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) Claimant was an ongoing recipient of Medical Assistance (MA) and Food Assistance Program (FAP) benefits.
- (2) On July 28, 2012, Claimant was sent a First Contact Letter by the Office of Child Support.
- (3) On August 16, 2012, Claimant contacted the Office of Child Support and provided information about the father of her 12 year old daughter.
- (4) On February 1, 2013, the Office of Child Support placed Claimant in non-cooperation status.

(5) On April 17, 2013, Claimant as sent a Notice of Case Action (DHS-1605) stating her benefits would be negatively impacted by the non-cooperation with the Office of Child Support.

(6) On April 29, 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 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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

At this hearing, Claimant testified about all the information she had provided to the Office of Child Support. Claimant had a relationship with the father of her child for nine months before becoming pregnant and for approximately the first 5 months of her pregnancy. Claimant testified that she met him in 2000 when they were both was working for a horse racing stable in New York State and that during the course of all her contact with him the stable relocated to two other states. Claimant testified that he told her he was from Central America and at the time of the relationship his initial work visa had expired. Claimant also testified that she had met some of his family and they called him by a different name than he used with her. Claimant also testified that after they were no longer working at the same stable, a friend in common told her that he had gone back to Central America.

The information that Claimant provided to the Office of Child Support contained some discrepancies and was insufficient to locate the man. CSS Lead Worker ██████ stated that when they searched the man's name they got several hundred hits.

The Department of Human Services Michigan IV-D Child Support Manual (2012) pages 3 – 8 provide the following criterion for what constitutes cooperation and non-cooperation:

## 2.2 What Defines Cooperation?

A CP is in cooperation with the IV-D program when (s)he responds to a request for action and provides information to assist in establishing paternity and/or a child support order. Cooperation includes, but is not limited to, the following:

- Identifying the non-custodial parent (NCP) or putative father;
- Locating the NCP/putative father, including providing necessary identifying information and whereabouts, if known;
- Attesting to the lack of knowledge about any of the above information;
- Providing all known, possessed or reasonably obtainable information that relates to establishing paternity and/or securing support.

To be in cooperation, the CP must provide information or take any action needed to establish paternity or obtain child support or medical support.

The goal of the cooperation requirement is to obtain child support and medical support. Michigan IV-D policy is to find a CP who is an applicant or recipient of assistance out of compliance only as a last resort.

## 2.3 What Defines Noncooperation?

Noncooperation exists when the CP does not respond to a request for action or does not provide information, and the process to establish paternity and/or a child support order cannot move forward without the CP's participation. A CP is in noncooperation with the IV-D program when the CP, without good cause, willfully and repeatedly fails or refuses to provide information and/or take an action needed to establish paternity or to obtain child support or medical support.

Some factors that must be considered when determining that the CP is not cooperating with the child support program include:

### 2.3.1 Providing Information

Providing information is a primary element of cooperation.

There is no minimum information requirement. CPs can be required to provide known or obtainable information about themselves, the child(ren) for whom support is sought, and the NCP when needed to obtain support.

Several factors may affect a CP's ability to remember or obtain information. In evaluating cooperation, the IV-D worker should consider such factors as the CP's marital status, the duration of his/her relationship with the NCP, and the length of time since the CP's last contact with the NCP. A CP who was married to the NCP or knew the putative father for several months can reasonably be expected to provide identifying and location information. The extent and age of the location information provided may be affected by how long it has been since the parties last lived together or had personal contact.

Also, IV-D workers should consider previously obtained information, the feasibility of the current information, and the CP's demeanor in determining whether or not a CP is cooperative.

While the information provided by Claimant did not result in locating her child's father, application of the above criterion DOES NOT constitute non-cooperation with the Office of Child Support.

### **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 close Claimant's Medical Assistance (MA) and remove her from the Food Assistance Program (FAP) benefit group 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 the Department remove Claimant from non-cooperation status, reinstate her assistance programs and supplement her for any benefits she was otherwise eligible for but did not receive due to this incorrect action.

/s/

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

Date Signed: June 3, 2013

Date Mailed: June 4, 2013

**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.

GFH/aca

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