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

IN THE MATTER OF:				
	Reg. No.:	2013-56401 & 2013-55992		
	Issue No.: Case No.: Hearing Date: County:	2008; 2006 August 6, 2013 Macomb 36		
ADMINISTRATIVE LAW JUDGE: Susanne B	E. Harris			
HEARING D	ECISION			
This matter is before the undersigned Administration and MCL 400.37 following Claimant's required telephone hearing was held on August 6, 201 behalf of Claimant included Human Services (Department) included Lead Support (OCS), and Eligibility Special Research (OCS).	uest for a hearing. 3, from Lansing, Mich . Participants on bel 3 Support Specialist of	After due notice, a igan. Participants on half of Department of		
<u>ISSUE</u>				
Did the Department properly deny Claims for:	ant's application 🛛 c	lose Claimant's case		
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	State Disability A	ssistance (AMP)? Assistance (SDA)? ent and Care (CDC)?		
FINDINGS (OF FACT			
The Administrative Law Judge, based on evidence on the whole record, finds as materi		erial, and substantial		
Claimant ☐ applied for benefits ☒ received benefits for:				
 ☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA). 	State Disability	ssistance (AMP). Assistance (SDA). ent and Care (CDC).		
2. On June 1, 2013, the Department				

☐ closed Claimant's MA case

denied Claimant's application

due to her non-cooperation with the OCS.

3.	There is no DHS-1605, Notice of Case Action in evidence regarding the Claimant's FAP case. At some point in time around June of 2013, the Department denied Claimant's application closed Claimant's FAP case due to her non-cooperation with the OCS.			
4.	On June 25, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. MA closure.			
5.	On July 2 and 3 of 2013, Claimant filed a hearing requests, protesting the ☐ denial of the application. ☐ the closures of her FAP and MA cases.			
CONCLUSIONS OF LAW				
	epartment policies are contained in the Bridges Administrative Manual (BAM), the idges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).			
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.			
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 rough Rule 400.3015.			
Se Th Ag	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independence lency) administers the MA program pursuant to MCL 400.10, <i>et seq.</i> , and MCL 0.105.			
□ ad	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.			
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 0.3180.			

The Child Development and Care (CDC) program is established by Titles IVA, IV
and XX of the Social Security Act, the Child Care and Development Block Grant
1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1990
The program is implemented by Title 45 of the Code of Federal Regulations, Parts 9
and 99. The Department provides services to adults and children pursuant to MC
400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

The Claimant had two cases on the Administrative Law Judge's docket and those cases were combined into one hearing for the convenience of the parties, as both negative actions were the result of the Department's asserting that the Claimant was not complying with the OCS. Bridges Eligibility Manual (BEM) 255 (2011) p.1, requires that all custodial parents must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending.

The testimony of the Lead Support Specialist in this case is that she is not the Support Specialist (SS) in the Claimant's case, but as Lead SS it is her responsibility to represent the OCS at the hearing. The Lead SS also testified that the notes of the Claimant's SS the Claimant's case had no entries for the time period between 2004 and 2013. The Lead SS testified such a gap in the notes was unusual and she therefore concluded that the notes likely incomplete. There was no documentary evidence of noncompliance in the record. The Lead SS testified that the notes did indicate that letters were sent to the Claimant and in response, the Claimant did call and leave a message for her SS on June 19, 2013 and that the SS tried to return that call, but that the number was disconnected.

When asked what the Claimant's alleged non-compliance was, the Lead SS testified that the OCS did not have the information it needed to determine paternity. With this exception off the telephone call of June 19, 2013, the Claimant has not been in contact with the OCS, as far as she could tell from the notes of the Claimant's SS. The Claimant testified that she telephoned her SS several times and her hearing request indicates that she even went to Detroit and Macomb county seeking to cooperate and that no one in either office had her case number. While on the record, the Claimant did answer the questions that the Lead SS had for her. As the Claimant's testimony is not refuted by anyone who would have personal knowledge of her attempts to contact her SS, the Administrative Law Judge finds that the evidence is insufficient to establish that the Claimant was not cooperating with the OCS. As such, the evidence is insufficient to establish that the Department was acting in accordance with its policy when it took action to close the Claimant's FAP and MA cases.

Based upon the above Findings of Fact a	and Conclusions of Law, and for the reasons
stated on the record, the Administrative	Law Judge concludes that the Department
properly denied Claimant's application	improperly denied Claimant's application
properly closed Claimant's case	improperly closed Claimant's case for:
\square AMP \square FIP \boxtimes FAP \boxtimes MA \square SDA \square	CDC.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions

of Law, and for the reasons stated on the record, finds that the Department did act properly. \boxtimes did not act properly.
Accordingly, the Department's \square AMP \square FIP \boxtimes FAP \boxtimes MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED .
$oxed{\boxtimes}$ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
 Initiate action to reinstate the Claimant's FAP and MA cases back to their closure dates, and
 Initiate action to issue the Claimant any supplement she may thereafter be due.

Administrative Law Judge For Maura Corrigan, Director

Susanne E. Harris

/s/

Department of Human Services

Date Signed: <u>8/8/13</u>

Date Mailed: <u>8/9/13</u>

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

SEH/tb

