

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

**IN THE MATTER OF:**



Reg. No.: 2013-69045  
Issue No.: 1025  
Case No.: [REDACTED]  
Hearing Date: November 5, 2013  
County: Iosco

**ADMINISTRATIVE LAW JUDGE:** Landis Y. Lain

**HEARING DECISION**

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, an in person hearing was held on November 5, 2013, from [REDACTED], Michigan. Participants on behalf of Claimant included Claimant. Claimant was represented at the hearing by [REDACTED] of [REDACTED], [REDACTED], [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist and [REDACTED], Child Support Specialist.

**ISSUE**

Did the department of Human Services (the Department) properly propose to cancel Claimant's Food Assistance Program (FAP) and Medical Assistance (MA) benefits based upon its' determination that Claimant failed to comply with 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 a FAP and MA benefit recipient.
2. On May 22, 2013 the department of Office of Child Support determined that Claimant was in non-compliance with the child support requirements.
3. On June 1, 2013 a Notice of Case Action was sent to the Claimant notifying her that she was no longer eligible for Medical Assistance and Food Assistance Program benefits based upon her failure to cooperate with child support requirements.

4. On June 18, 2013 a DHS-1605 Notice of Case Action was sent to Claimant indicating that Claimant's Medical Assistance and Food Assistance Program benefits will be canceled for failure to cooperate which support requirements.
5. On July 3, 2013 Claimant filed a request for hearing to contest the Department's negative action.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

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 Program Administrative Manual (BAM), the Program 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 Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department philosophy indicates that families are strengthened when children's needs are met. Parents have the responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support, the Friend of the Court and the Prosecuting Attorney to establish paternity and/or obtain support from an absent parent. Clients 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 their claim of good cause for not cooperating has been granted or is pending. BEM, Item 255, p. 1. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits and/or case closure depending upon the program. Exceptions to the cooperation requirement are allowed for all child support actions except failure to return court ordered support payments received after the payment effective date. Grant good cause only if requiring cooperation/support action is against

the child's best interest and there has been specific good cause reason. BEM, Item 255, pp. 1-2).

There are two types of good cause:

- Cases in which establishing paternity/securing support would harm the child. Do not require cooperation/support action at any of the following circumstances:
  - Where the child was conceived due to incest or forcible rape
  - Where legal proceedings for the adoption of the child are pending before a court, and
  - The client is currently receiving counseling from a public or a licensed private social agency to decide if the child should be released for adoption and the counseling has not gone on for more than 3 months.
  
- Cases in which there is danger of physical or emotional harm to the child or client. Physical or emotional harm may result if the client or child has been subject to or in danger of:
  - Physical acts that result in, or threatened to result in physical injury
  - Sexual abuse
  - Sexual activity involving a dependent child
  - Being forced as a care taker relative of a dependent child to engage in non-consensual acts or activities.
  - Threats of or attempts at physical or sexual abuse
  - Mental abuse, and
  - Neglect or deprivation of medical care. BEM, Item 255, pp.2-3

This Administrative Law Judge finds that Claimant does not have good cause for failure to provide information about her [REDACTED]. Even if what the Claimant states is true, in that she was drunk, does not remember who the man is, only knows the man's name, and basic physical description, but not his location, and may have only seen him one time because of a one night stand, lack of knowledge is not an established good cause reason enumerated in policy for failure to provide information. Therefore, this

Administrative Law Judge finds that the department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with department policy when it proposed to cancel Claimant's Food Assistance Program and Medical Assistance benefits because Claimant did not provide sufficient information about the [REDACTED]. Claimant testified that she does have [REDACTED]. She has received benefits in the past for the [REDACTED] and should have had knowledge that she would have to provide [REDACTED] for any subsequent [REDACTED] in order to receive benefits. Claimant had knowledge that she would have to provide [REDACTED] that she has. Claimant did not establish good cause for her failure to provide information about the paternity of her child. Claimant's testimony is not credible and even if credible, does not establish good cause for her failure to provide paternity information. Therefore, the department's actions must be UPHELD.

### **DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department has appropriately established on the record that it was acting in compliance with department policy when it proposed to cancel Claimant's Food Assistance Program and Medical Assistance benefits based upon its' determination that Claimant did not provide sufficient information to identify the [REDACTED] of her [REDACTED] or establish good cause to for her failure to provide information about the paternity of her child in accordance with department policy.

Accordingly, the department's decision is **AFFIRMED**.

/s/  
\_\_\_\_\_  
Landis Y. Lain  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: 11/7/13

Date Mailed: 11/12/13

**NOTICE OF APPEAL:** 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

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).

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the Claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

LYL/tb

cc:

