

**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.: 2014-6411
Issue No(s): 1005;2006;3008
Case No.: ██████████
Hearing Date: November 21, 2013
County: Wayne (31)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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, a telephone hearing was held on November 21, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Family Independence Specialist and ██████████, Specialist from the Office of Child Support.

ISSUE

Did the Department properly process Claimant's Food Assistance Program (FAP), Family Independence Program (FIP) and Medical Assistance (MA) benefits?

FINDINGS OF FACT

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

1. Claimant was an ongoing recipient of FAP, FIP and MA benefits
2. On September 17, 2013, the Department sent Claimant a Notice of Case Action informing her that effective October 1, 2013, her FIP case would be closed and that she would be disqualified as a FAP group member based on a failure to cooperate with child support requirements. (Exhibit 2)
3. Claimant had active MA benefits through the month of October 2013. (Exhibit 4)
4. On October 10, 2013, Claimant submitted a hearing request disputing the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

FIP/FAP

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

Additionally, the custodial parents of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2013), pp. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP and FIP eligibility. BEM 255, pp. 1, 9-11. Cooperation is required in all phases of the process to establish paternity and obtain support and includes providing all known information about the absent parent. BEM 255, p 8. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for FAP and FIP. BEM 255, pp. 9-11.

In this case, the Department testified that on August 27, 2013, the Office of Child Support (OCS) sent Claimant a Customer Contact Letter informing her to contact OCS and provide information regarding the noncustodial parent. A Noncooperation Notice was issued to Claimant on September 14, 2013 informing her that she was considered to be noncooperative with child support and that her cases would be impacted.

At the hearing, Claimant testified that she received the letters from the OCS, however, they were received after the date for which she was required to respond. Claimant stated and the Department confirmed that Claimant contacted OSC and interviews were conducted on October 2, 2013, October 10, 2013, and October 23, 2013. The Department stated that because Claimant could not provide any identifying information on the noncustodial parent, she continued to be noncompliant. (Exhibit 3).

Claimant stated that her child was conceived after a one night stand. Claimant testified that she was extremely intoxicated at the time of conception and that she does not know

the father, as she just met him that night. Claimant further testified that she made attempts to locate the father by going back to the liquor store where she met him and asking around to see if anyone there knew him but was unsuccessful. Claimant indicated that because she was so intoxicated, she does not even know what the father looks like and does not have any identifying information on him, such as his name, address or birthdate.

Claimant credibly testified that she does not have any additional information on the father of her child other than what was provided. Under the facts presented, the OCS failed to establish that Claimant did not disclose all known information concerning the father and that she had additional information regarding the father's identity.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined that Claimant was ineligible for FAP and FIP based on a noncooperation with child support requirements.

MA

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Additionally, Claimant requested a hearing regarding her eligibility for MA benefits. At the hearing, Claimant testified that she went to the doctor in October 2013 and was informed that she did not have active MA benefits and that her MA card was denied. The Department presented a MA EDG Summary which verifies that Claimant had active and ongoing MA benefits through the month of October 2013. (Exhibit 4). The Department testified that Claimant's MA case was due for Redetermination for November 2013 and that a new MA benefit period had not been certified as of the hearing date. Therefore, the Department was unable to establish whether or not Claimant would have continued active and ongoing MA benefits from November 1, 2013, ongoing. As such, the Department must determine Claimant's continued eligibility for MA.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it did not present sufficient evidence to establish that Claimant had current active and ongoing MA benefits.

DECISION AND ORDER

Accordingly, the Department's FIP, FAP and MA decisions are REVERSED.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Remove the child support sanctions that were imposed on Claimant's cases;
2. Reinstate Claimant's FIP case and include her as a qualified FAP group member effective October 1, 2013, ongoing;
3. Recalculate Claimant's FIP and FAP budgets for October 1, 2013, ongoing and issue supplements to Claimant for any FIP and FAP benefits that she was entitled to receive but did not from October 1, 2013, ongoing;
4. Determine Claimant's continued eligibility to receive MA benefits from November 1, 2013, ongoing;
5. Issue supplements to Claimant for any MA benefits that she was entitled to receive but did not from November 1, 2013, ongoing; and
6. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: November 26, 2013

Date Mailed: November 26, 2013

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

ZB/tm

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]