

**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.: 2014-6932
Issue No(s): 2006;3008
Case No.: 1 ██████████
Hearing Date: November 21, 2013
County: Wayne (19)

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 three way 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 ██████████, Eligibility Specialist and ██████████, Lead Specialist from the Office of Child Support.

ISSUE

Did the Department properly determine that Claimant was ineligible for Food Assistance Program (FAP) benefits and Medical Assistance (MA) based on a failure to cooperate with child support requirements?

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 and MA benefits.
2. On October 10, 2013, the Department sent Claimant a Notice of Case Action informing her that she would be ineligible for FAP benefits effective October 1, 2013 and ineligible MA effective November 1, 2013 based on a failure to cooperate with child support. (Exhibit 1)
3. On October 16, 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).

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.

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, 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 MA 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 MA. BEM 255, pp. 9-11.

In this case, the Department testified that on July 30, 2013, the Office of Child Support (OCS) sent Claimant a first Customer Contact Letter informing her to contact OCS and provide information regarding the noncustodial parent. The Department stated that Claimant called and left a voicemail and that the Department returned her call on August 8, 2013 but was unable to reach her. On August 23, 2013, the Department sent Claimant a second Customer Contact Letter requesting the same information and informing her that failure to provide that information would result in being placed in noncooperation status. A Noncooperation Notice was issued to Claimant on September 17, 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 after receiving the contact letters from the OCS, she called to speak with the OCS to have the matter resolved. When she could not reach someone, Claimant stated that she faxed a completed child support information form to the number listed on the letter. Claimant provided the completed form and fax confirmation page for review at the hearing. (Exhibit A). Claimant stated that her son

was conceived during a vacation in South Carolina and that she met the father at a college party. Claimant testified that she provided the Department with all of the information that she had regarding the father and that she made several attempts to locate him in South Carolina. After further review, the child support information form completed and submitted by Claimant includes the father's name, birth date, location and other identifying information that should be found sufficient by the Department. (Exhibit A).

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 MA based on a noncooperation with child support requirements.

DECISION AND ORDER

Accordingly, the Department's decision is 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 FAP and MA cases;
2. Reinstate Claimant's FAP case effective October 1, 2013 and her MA case effective November 1, 2013;
3. Begin issuing supplements to Claimant for any FAP and MA benefits that she was entitled to receive but did not from the date of ineligibility ongoing; and
4. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director

Date Signed: November 22, 2013

Date Mailed: November 22, 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]