

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

IN THE MATTER OF:



Reg. No.: 2013-18281
Issue No.: 2006
Case No.:
Hearing Date: May 2, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on May 2, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and Claimant's Authorized Hearing Representative, , Jr., of , Inc. Participants on behalf of the Department of Human Services (Department) included ES, and Lead Specialist, of the Office of Child Support.

ISSUE

Did the Department properly deny Claimant's application for Medical Assistance (MA) based on 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 applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On September 27, 2012, the Department denied Claimant's application, due to failure to cooperate with child support requirements.
3. Claimant did not cooperate with child support requirements and had no good cause to not cooperate with child support requirements.
4. Claimant's minor child resided with Claimant at the time of the application.
5. On September 27, 2012, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure. calculation.
6. On November 29, 2012, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case. calculation.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

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 a claim of good cause for not cooperating has been granted or is pending. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits, and/or case closure, depending on the program. BEM 255.

Removing a support disqualification occurs when the client cooperates or when support/paternity is no longer needed. *Id.*

In the present case, the Department denied Claimant's MA application of July 26, 2012 due to failure to cooperate with child support requirements. Claimant was first placed in noncooperation status in May of 2009, and was in noncooperation status when she applied for MA in July of 2012. Claimant first argues that she did cooperate with child support requirements, as she contacted the Office of Child Support regarding her minor child who still lives with her, as directed in the Notice of Case Action of September 27, 2012. However, Claimant testified at the hearing that she did not give identifying details regarding the father of her minor child to the Office of Child Support because the father is active in the child's life, Claimant is not seeking help from the State of Michigan in

obtaining child support from the child's father, and the child is on the father's health insurance.

I do not find that Claimant cooperated with child support requirements, as she did not comply with requests for information to establish paternity, as required in BEM 225.

Next, Claimant argues that she had good cause to not give the information regarding the paternity of the minor child because she was not requesting assistance from the State of Michigan in establishing paternity or in obtaining child support. However, BEM 225 states that there are two types of good cause for not cooperating with child support requirements: 1.) Cases in which establishing paternity/securing support would harm the child and 2.) Cases in which there is danger of physical or emotional harm to the child or client. Claimant does not assert either of these good-cause exceptions. Therefore, Claimant does not meet the good-cause exception to not cooperating with child support requirements.

Finally, Claimant argues that the noncooperation disqualification should be removed because she is not asking the State of Michigan to assist her minor child with benefits or in obtaining child support. BEM 225, p. 12 dictates that the non-cooperation record will end when support/paternity action is no longer a factor in the client's eligibility. It is noted that Claimant does not argue that her minor child has left her home. Although a support action may not currently be an issue for Claimant, Claimant does not make a convincing argument that the State of Michigan does not have a vested interest in establishing paternity on behalf of Claimant's minor child. Therefore, the Department was correct in not removing the non-cooperation disqualification.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

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|--|--|
| <input checked="" type="checkbox"/> properly denied Claimant's application | <input type="checkbox"/> improperly denied Claimant's application |
| <input type="checkbox"/> properly closed Claimant's case | <input type="checkbox"/> improperly closed Claimant's case |
| <input type="checkbox"/> properly calculated Claimant's benefits | <input type="checkbox"/> improperly calculated Claimant's benefits |

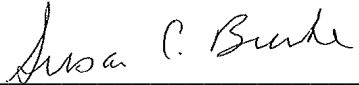
for: AMP FIP FAP MA SDA CDC.

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. did not act properly.

Accordingly, the Department's MA decision is AFFIRMED for the reasons stated within the record.


Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 7, 2013
Date Mailed: May 7, 2013

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 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

SCB/tm

cc:

