

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-18406
Issue No.: 1005, 2006, 3008
Case No.: [REDACTED]
Hearing Date: February 7, 2013
County: Wayne (57)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, [REDACTED]. The Claimant appeared, along with Ashante Boyd, and testified. Participating on behalf of the Department of Human Services ("Department") was [REDACTED].

ISSUE

Whether the Department properly terminated the Claimant's cash assistance ("FIP") and medical assistance ("MA") benefits and reduced the Claimant's food assistance ("FAP") due to alleged non-cooperation with the Office of Child Support ("OCS")?

FINDINGS OF FACT

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

1. The OCS did not participate in the hearing process.
2. The Claimant was a FAP recipient.
3. The OCS determined the Claimant was non-compliant and imposed a non-cooperation sanction.
4. Prior to the October 8, 2012 application, the Claimant provided the father's name and birth date to the OCS.

5. On October 8, 2012, the Department received the Claimant's application for FAP and MA benefits.
6. On October 22, 2012, the Department sent a Notice of Case Action to the Claimant informing her that FIP and MA benefits were denied (approved for minor child) and that her FAP benefits were reduced due to the imposition of the non-cooperation sanction with the OCS. (Exhibit 1)
7. On December 19, 2012, the Department received the Claimant's written request for hearing.

CONCLUSIONS OF LAW

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

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3101 through 400.3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996.

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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. The Department, formerly known as the Family Independence Agency, administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, Rules 400.3001 through 400.3015.

The Medical Assistance ("MA") program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations. The Department of Human Services, formerly known as the Family Independence Agency, administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support ("OCS"), the Friend of the Court, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255 (December 2011), p. 1. Cooperation is a condition of eligibility. BEM 255, p. 7. The head of household and the parent 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 they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255, p. 1.

For MA and FIP purposes, the client has 10 days from the date of application to cooperate with the OCS. BEM 255, p. 10. Bridges informs the client to contact the Office of Child Support in the verification checklist. BEM 255, p. 10. A child's MA

eligibility is not affected by the adult's non-cooperation. BEM 255, p. 11. For FAP purposes, the failure to cooperate without good cause results in disqualification of the individual who failed to cooperate for a minimum of one month. BEM 255, p. 11. The remaining eligible group members will continue to receive benefits. BEM 255. Bridges will not restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. BEM 255, p. 12.

In this case, the OCS imposed a sanction on the Claimant's case based on a reported non-cooperation with establishing paternity. At the time of FIP and MA application (October 8, 2012), the Claimant was an ongoing FAP recipient. As a result of the OCS sanction, the Department denied the Claimant FIP/MA benefits and removed the Claimant from the FAP group resulting in a reduction of FAP benefits.

The OCS did not participate in the hearing process therefore, it is unclear when the sanction was imposed and the reason for its imposition. During the hearing, the Claimant testified credibly that prior to submission of the October 8th application, she provided the OCS with the child's father's name and birth date. This information was also provided during the hearing. Further, the child's father reportedly signed the birth certificate. The Claimant also testified that she continued to leave messages with the OCS; however, the calls were not returned. Ultimately, under these facts, it is found that the Department failed to establish the Claimant was not cooperating with the OCS and, thus, the denial of the Claimant's FIP/MA application, along with the reduction of FAP benefits due to the non-cooperation sanction, is REVERSED.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law finds the Department's denial of the October 8, 2012 FIP/MA application and the reduction of FAP benefits are not upheld.

Accordingly, it is ORDERED:

1. The Department's October 22, 2012 determination is REVERSED.
2. The imposition of the Child Support Non-cooperation sanction is removed.
3. The Department shall re-register and initiate processing of the October 8, 2012 application for FIP and MA benefits, and notify the Claimant of the determination in accordance with department policy.
4. The Department shall supplement for FIP/MA benefits that the Claimant was entitled to receive in conjunction with the October 8, 2012 application, if otherwise eligible and qualified in accordance with department policy.

5. The Department shall include the Claimant in the FAP group effective November 1, 2012 and supplement the Claimant for lost FAP benefits she was entitled to receive if otherwise eligible and qualified in accordance with department policy.

Colleen M. Mamelka

Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 13, 2013

Date Mailed: February 14, 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 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

CMM/tm

cc:

