

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201320914
Issue No.: 1005; 2006; 3008
Case No.: [REDACTED]
Hearing Date: February 6, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 February 8, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's mother. Participants on behalf of Department of Human Services (Department) included [REDACTED], Family Independence Specialist.

ISSUE

Did the Department properly remove Claimant as a member of her Food Assistance Program (FAP) group for noncooperation with child support reporting obligations?

Did the Department properly close Claimant's Family Independence Program (FIP) and Medical Assistance (MA) cases for noncooperation with child support reporting obligations?

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 checked="" type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" 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 December 13, 2012, the Department sent Claimant a Notice of Case Action informing her that, effective January 1, 2013, her FIP case would close and her FAP benefits would be reduced.
3. On December 17, 2012, Claimant filed a hearing request, protesting the Department's actions.

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 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 1999 AC, R 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, R 400.3001 through Rule 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 (CFR). 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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through Rule 400.3180.

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, R 400.5001 through Rule 400.5015.

Additionally, the December 13, 2012 Notice of Case Action presented by the Department showed that, effective January 1, 2013, Claimant's FIP case closed because she received supplemental security benefits and is not a group member and her FAP benefits were reduced because the household income or shelter expenses had changed. At the hearing, however, the Department verified that the changes in Claimant's benefits resulted from the child support noncompliance sanction applied to Claimant's case.

The custodial 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 (November 1, 2011), p 1.

In this case, the Department presented a packet from the Office of Child Support (OCS) showing that Claimant had been sent a First Customer Contact Letter on June 16, 2012, requesting information concerning the father of her son [REDACTED]. Claimant testified that she contacted the OCS worker identified in the letter and provided all of the information she had concerning the father. The OCS notes confirm that Claimant contacted the OCS on June 1, 2012 and June 24, 2012, but indicate that Claimant was advised to obtain additional information. On September 15, 2012, the OCS sent Claimant a Final Customer Contact Letter requesting additional information concerning [REDACTED] father by December 3, 2012. Claimant testified that she last attempted to contact the OCS after she received the December 11, 2012 Noncooperation Notice from OCS and the December 13, 2012 Notice of Case Action from the Department informing her of her case closure, but did not receive a response. Because the OCS advised Claimant in their initial contact that she needed to provide additional information but there was no evidence that Claimant did so, the Department acted in accordance with Department policy when it concluded that Claimant was subject to a child support noncompliance sanction.

Clients who do not cooperate with their child support reporting obligations are disqualified members of their FAP groups. BEM 212 (April 1, 2012), p 7; BEM 255, p 11. The client is removed from the FAP eligibility group for a minimum of one month and is not returned to the FAP group until the later of the month after cooperation or after serving the one-month disqualification. BEM 255, pp 11-12. Any individual required to cooperate who fails to cooperate without good cause causes FIP group ineligibility for a minimum of one month. BEM 255, p 10. In this case, the Department closed Claimant's FIP case based on her noncooperation with child support reporting obligations and removed her from her FAP group size. Thus, the Department acted in accordance with Department policy with respect to Claimant's FIP and FAP cases. The Department testified that Claimant's MA case remained unaffected by the child support sanction. It is noted, however, that BEM 255 allows for the closure of a client's MA case

based on child support noncooperation if the child for whom the support/paternity action is required receives MA and the client and child live together. BEM 255, p 11.

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 acted properly with respect to Claimant's FAP, FIP and MA cases.

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 AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Alice C. Elkin

Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: February 11, 2013

Date Mailed: February 11, 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

ACE/hw

cc:

