

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201335623
Issue No.: 3008; 2006
Case No.: [REDACTED]
Hearing Date: May 2, 2013
County: Hillsdale

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Office of Child Support (OCS) Lead Support Specialist (LSS), [REDACTED], Family Independence Manager (FIM), [REDACTED] and Eligibility Specialist (ES) [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input 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)? |

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 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 March 1, 2013, the Department denied Claimant's application closed Claimant's cases due to the Claimant's non-cooperation with the OCS.

3. On February 7, 2013, the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On March 13, 2013, Claimant filed a hearing request, protesting the
 denial of the application. closure of the cases.

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.

Procedural History: The Claimant failed to appear for her hearing scheduled for April 10, 2013 and her request for hearing was dismissed by [REDACTED] of the Michigan Administrative Hearing System (MAHS) on April 11, 2013. On April 11, 2013, the Claimant submitted a request for an adjournment of her April 10, 2013 hearing as well as verification that she was in the [REDACTED] with her [REDACTED] on [REDACTED]. On [REDACTED], Supervising Administrative Law Judge [REDACTED] issued an Order Vacating the Dismissal and Order to Schedule Matter for Hearing. On April 12, 2013 and the undersigned Administrative Law Judge did issue an Order Granting Adjournment.

In this case, the Claimant testified that she did give a physical description of her [REDACTED] [REDACTED]. She also told the OCS the last city she knew to be his residence and though she did not know his [REDACTED] [REDACTED] she did tell the OCS that he was approximately the same age as she was. The Claimant testified that she had not seen her [REDACTED] [REDACTED] in [REDACTED] [REDACTED] and could not give the OCS his [REDACTED] [REDACTED] as she never knew it. She testified that she does not even know her [REDACTED] social security number and can barely remember her own [REDACTED]. She could not give the OCS his last [REDACTED] [REDACTED] because she does not remember it as it was [REDACTED] years ago.

The LSS testified that she did not question much of the Claimant's testimony regarding that it has been [REDACTED] years since the Claimant has seen her [REDACTED] [REDACTED]. The LSS testified that, as the Claimant had [REDACTED] [REDACTED] with the [REDACTED] the Claimant should be able to provide his [REDACTED]. The LSS testified that the OCS has a state of the art locator system and because they could not locate the [REDACTED] of the Claimant's [REDACTED] they feel the Claimant is being less than forthcoming.

Bridges Eligibility Manual 255 (2011) p. 8, provides that cooperation is required in all phases of the process of establishing paternity and obtaining support and that cooperation includes providing all known information about the absent parent. In this case, the Claimant testified that she had provided all *known* information. The Department had no evidence to refute that the Claimant was withholding known information. Indeed, the Department did not even contest much of the Claimant's testimony. The Administrative Law Judge does not find it unreasonable that the Claimant may not remember the [REDACTED] [REDACTED] and [REDACTED] of a [REDACTED] that she has not had contact with for [REDACTED] [REDACTED]. Indeed, no explanation was offered as to why it is that the issue of cooperation only now arises, when the Claimant's [REDACTED] are [REDACTED] and [REDACTED] years old. It is the Department's burden to prove, by a preponderance of the evidence, that it is acting in accordance with departmental policy when taking action to close the Claimant's FAP and MA cases. In this case, the Administrative Law Judge concludes that the Department did not meet its burden.

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

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case 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 AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate action to re-instate the Claimant's FAP and MA cases, and
2. Initiate action to issue the Claimant any supplement she may thereafter be due.

/s/

Susanne E. Harris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 5/7/13

Date Mailed: 5/7/13

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.

201335623/SEH

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

SEH/tb

cc:

