

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

IN THE MATTER OF:



Reg. No.: 201344272
Issue No.: 1005; 2006; 3008
Case No.: [REDACTED]
Hearing Date: May 29, 2013
County: Oakland (02)

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 May 29, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], PATH Case Manager, and [REDACTED], Chief of Family Support Division, Oakland County Prosecuting Office.

ISSUE

Did the Department properly close Claimant's Family Independence Program (FIP), Food Assistance Program (FAP) 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 was an ongoing recipient of FIP, FAP and MA benefits.
2. On April 16, 2013, the Department sent Claimant a Notice of Case Action informing her that her FIP case would close effective May 1, 2013, because she had failed to cooperate in establishing paternity or securing child support.
3. On April 24, 2013, Claimant filed a hearing request, protesting the Department's actions concerning her FIP, FAP and MA cases.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), the Department of Human Services Bridges Eligibility Manual (BEM), and the Department of Human Services 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.

Additionally, the April 16, 2013 Notice of Case Action the Department sent Claimant notified her that, effective May 1, 2013, her FIP case would close because she failed to cooperate in establishing paternity or security child support. Claimant requested a hearing concerning the closure of her FAP and FIP cases and concerning her MA case. At the hearing, the Department testified that Claimant's MA case was not affected, that Claimant was receiving MA due to her receipt of Supplemental Security Income (SSI) and that her child was receiving ongoing MA as well. Although the April 16, 2013 Notice of Case Action does not indicate that Claimant's FAP benefits were affected, the Department testified that both Claimant's FIP and FAP cases were closed due to her child support noncooperation.

Department policy requires that 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 (December 1, 2011), p 1.

In this case, [REDACTED] chief of the Family Support Division of the Oakland County Prosecuting Attorney, testified that the Oakland County Prosecutor's Office contacted

Claimant by letter on March 7, 2013 and on March 26, 2013, with a request to complete an enclosed questionnaire and submit requested documentation concerning a child support action against the father of her minor child, but Claimant did not respond to either letter. On April 15, 2012, the Prosecutor's Office sent Claimant a Noncooperation Notice informing her that her failure to respond to the March 18, 2013 and April 12, 2013 letters in connection with the child support program would affect her Department benefits. On April 17, 2013, the Prosecutor's Office sent Claimant a letter scheduling her attendance at an in-person interview at the Oakland County Prosecutor's Office. According to [REDACTED], Claimant attended the interview but did not provide the requested marriage certificate. [REDACTED] testified that his office received a faxed copy of the requested marriage license on May 21, 2013, and, upon Claimant signing additional required documentation, the Prosecutor's Office would lift the child support noncooperation from Claimant's case. As of the hearing date, there was no child support compliance date entered in Claimant's case.

At the hearing, Claimant did not dispute any of the facts presented by the Department. This evidence was sufficient to establish that Claimant, as a recipient of Department benefits, was required to comply with child support reporting obligations, that she was requested to provide information and documentation concerning her ex-husband, and that she failed to do so in a timely manner.

If an individual required to cooperate with child support reporting obligations fails to do so without good cause, the FIP group is ineligible for FIP benefits for a minimum of one month. BEM 255, p 10. Because Claimant was not in compliance with her child support reporting obligations, the Department acted in accordance with Department policy when it closed Claimant's FIP case.

Although the April 16, 2013 Notice of Case Action does not address Claimant's FAP case, the Department testified at the hearing that Claimant's FAP case was closed due to her child support noncooperation. Clients who do not cooperate with their child support reporting obligations are disqualified members of their FAP groups. BEM 212 (November 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, p 12. Because the Department testified that Claimant's case was closed based on her child support noncooperation, the Department did not act in accordance with Department policy when it closed Claimant's FAP case based on her child support noncooperation rather than removing her from her FAP group as a disqualified group member and reducing the group's benefits.

Although the Department testified that Claimant's MA case remained unaffected by the child support sanction, BEM 255 allows for the closure of a client's MA case based on child support noncooperation if both the following conditions are true: (i) the child for whom support/paternity action is required received MA and (ii) the client and child live together. BEM 255, p 11. Because both these conditions are satisfied in this case, the

Department would have acted in accordance with Department policy if it closed Claimant's MA case due to the child support sanction.


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 acted in accordance with Department policy when it closed Claimant's FIP case and with respect to any action taken as to Claimant's MA case but did not act in accordance with Department policy when it closed Claimant's FAP case.

Accordingly, the Department is AFFIRMED IN PART with respect to its FIP and MA decisions and REVERSED IN PART with respect to its FAP decision.

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

1. Reinstate Claimant's FAP case from the date of closure;
2. Begin recalculating Claimant's FAP benefits from the date of closure ongoing to exclude Claimant as a qualified member of the FAP group;
3. Issue supplements to Claimant for any FAP benefits she is eligible to receive but did not from the date of reinstatement ongoing;
4. Notify Claimant in writing of its decision; and
5. Take each of the preceding steps in accordance with Department policy.


Alice C. Elkin
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 6/7/2013

Date Mailed: 6/7/2013

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 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:

