

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-45390
Issue No.: 1025, 2018, 3014
Case No.: [REDACTED]
Hearing Date: [REDACTED]
County: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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 [REDACTED], from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] and [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED]
[REDACTED]

ISSUE

Whether the Department of Human Services (Department) properly disqualifies the Claimant from the Medical Assistance (MA) program and the Food Assistance Program (FAP) benefits due to her noncooperation with the Office of Child Support?

FINDINGS OF FACT

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

1. The Claimant was an ongoing Medical Assistance (MA) and Food Assistance Program (FAP) recipient.
2. On [REDACTED] the Office of Child Support requested that the Claimant provide them with information necessary to identify the father of her child.

3. On [REDACTED], the Office of Child Support requested that the Claimant provide them with information necessary to identify the father of her child.
4. On [REDACTED], the Office of Child Support notified the Claimant that she was considered to be in noncooperation status.
5. On [REDACTED] the Department notified the Claimant that she had been disqualified from the Medical Assistance (MA) and Food Assistance Program (FAP).
6. The Department received the Claimant's request for a hearing on [REDACTED] protesting her disqualification from Medical Assistance (MA) and Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

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 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 (DHS or Department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

Families are strengthened when children's needs are met. 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 (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker 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. Failure to cooperate without good cause results in member disqualification. Department of Human Services Bridges Eligibility Manual (BEM) 255 (December 1, 2011), p 1.

In this case, the Claimant was an ongoing Medical Assistance (MA) and Food Assistance Program (FAP) recipient until [REDACTED]

On [REDACTED], the Office of Child Support requested that the Claimant provide them with information necessary to identify the father of her child. On [REDACTED], the Office of Child Support made another request for information

necessary to identify the father of her child. On February 2, 2013, the Office of Child Support determined that the Claimant had not revealed sufficient information and placed her in noncooperation status.

On [REDACTED], the Department notified the Claimant that she had been disqualified from the Medical Assistance (MA) and Food Assistance Program (FAP).

The Claimant testified that she does not know the identity of her child's father and that she cooperated with the Office of Child Support to the best of her ability.

A Department witness testified that through an investigation and collateral contacts, it was discovered that the Claimant had declared herself to be in a relationship within a timeframe relevant to the birth of her child. The Office of Child Support representative testified that there was reason to believe that the Claimant has failed to reveal all information about the identity of the father of her child.

The Claimant testified that she did not know the identity of the father of her child, but failed to provide sufficient evidence or testimony during the hearing to establish the circumstances that led to the conception of her child with an unknown person.

Testimony and other evidence must be weighed and considered according to its reasonableness. *Gardiner v Courtright*, 165 Mich 54, 62; 130 NW 322 (1911); *Dep't of Community Health v Risch*, 274 Mich App 365, 372; 733 NW2d 403 (2007). Moreover, the weight and credibility of this evidence is generally for the fact-finder to determine. *Dep't of Community Health*, 274 Mich App at 372; *People v Terry*, 224 Mich App 447, 452; 569 NW2d 641 (1997). In evaluating the credibility and weight to be given the testimony of a witness, the fact-finder may consider the demeanor of the witness, the reasonableness of the witness's testimony, and the interest, if any, the witness may have in the outcome of the matter. *People v Wade*, 303 Mich 303 (1942), cert den, 318 US 783 (1943).

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department has presented sufficient credible evidence suggesting that the Claimant has not provided all of the information about the father of her child that she is capable of providing. As a result of this failure to provide information, the Department properly found the Claimant to be noncooperative with the Office of Child Support. Therefore, the Department was acting in accordance with policy when it disqualified her from the Medical Assistance (MA) and Food Assistance Program (FAP) program.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined that the Claimant has been noncooperative with the Office of Child Support.

The Department's Medical Assistance (MA) and Food Assistance Program (FAP) eligibility determination are **AFFIRMED**. It is **SO ORDERED**.

/S/
Kevin Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 06/12/2013

Date Mailed: 06/12/2013

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

2013-45390/KS

KS/kl

cc:



MAHS