

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

IN THE MATTER OF:

██████████
██████████████████
██████████████████

Reg. No. 2013 46918
Issue No. 3008, 1003, 2006
Case No. ██████████
Hearing Date: June 10, 2013
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the claimant's request for a hearing. After due notice, a three way telephone hearing was held on June 10, 2013. The claimant appeared and testified. ██████████, FIM, appeared on behalf of the Department of Human Services. ██████████ Lead Worker, Office of Child Support, appeared on behalf of the Office of Child Support and testified as a witness for the Department.

ISSUE

Whether the Department properly removed the Claimant from her FAP group and closed her Medical Assistance and FIP Cash Assistance case due to non-cooperation with child support.

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 Claimant was an ongoing recipient of Food Assistance (FAP), Medical Assistance and FIP cash assistance. Benefits.
2. The Department issued a Notice of Case Action on October 9, 2012, which reduced the Claimant's FAP benefits effective November 1, 2012, by removing the Claimant from her FAP group, closing Claimant's FIP cash assistance, and removing the Claimant's Medical Assistance due to failure to cooperate in establishing paternity or securing child support.
3. The Office of Child Support issued a Notice of Non Compliance on October 6, 2012. The Notice was sent to the correct address.

4. The Claimant did not file a change of address with the Department when she moved in October 2012. The Claimant did not respond to prior notices to contact the Office of Child Support and did not return phone calls.
5. The information provided by the Claimant at the hearing provided sufficient information to the Office of Child Support to have the Office issue a finding of Cooperation as of June 10, 2013.
6. The Claimant requested a hearing on May 9, 2013 protesting the reduction of her FAP benefits, the closure of her Medical Assistance and FIP case due to non-cooperation with child support.

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, Rule 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. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

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

In the record presented, the Claimant did not respond to a Notice of Non Cooperation sent to her on October 6, 2012 as she had moved from the address that she had on file with the Department. The Claimant did not respond in any manner to previous notices sent to her, and to phone calls made to her by the Office of Child Support. Based on the information available to it the Department correctly took action by Notice of Case Action it issued on October 9, 2012 which closed the Claimant's FIP cash

2013-46918/LMF

assistance, removed the Claimant from her medical assistance and from her FAP group reducing her FAP benefits. Exhibit 1.

At the hearing the Claimant provided information on the record to the Office of Child Support sufficient that the Office of Child support representative found her in cooperation with the Child support as of June 10, 2013.

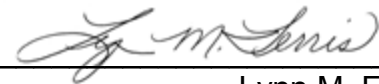
Based upon the information that has been provided by the Claimant, and the testimony of the parties, it is determined that the Claimant has cooperated as of June 10, 2013 based on the Office of Child Support on the record and action in the Bridges System acknowledged on the record. It is also determined that the Department properly closed the Claimant's MA and FIP benefits and properly removed the Claimant from her FAP group. The Claimant may reapply for FIP cash assistance and Medical Assistance as non-cooperation is no longer an issue. Accordingly, it is determined that the Department did demonstrate non-cooperation at the time of the Notice of Case Action and thus did meet its burden of proof. Department of Human Services Bridges Eligibility Manual (BEM) 255 (2011).

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds the Department properly closed the Claimant's Medical Assistance and FIP case and properly removed the Claimant from her FAP group for non-cooperation with child support. The Department's actions are AFFIRMED.

Accordingly it is ORDERED:

1. The Department shall reinstate the Claimant to her FAP group as of June 10, 2013.



Lynn M. Ferris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 17, 2013

Date Mailed: June 17, 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 to:

Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]