

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013351625
Issue No.: 3019
Case No.: [REDACTED]
Hearing Date: July 3, 2013
County: Wayne County (#41)

ADMINISTRATIVE LAW JUDGE: MICHELLE HOWIE

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's May 28, 2013 request for a hearing. After due notice, a telephone hearing was conducted on Wednesday, July 3, 2013, from Detroit, Michigan. The Claimant appeared and testified. Participants on behalf of Department of Human Services (Department) included [REDACTED] (Assistant Payment Worker) and [REDACTED] (Assistant Payment Supervisor).

ISSUE

Whether the Department properly denied Claimant's request for Food Assistant Program (FAP) benefits and Medical Assistance (MA) based on a child support sanction?

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's group receives FAP and MA benefits.
2. Effective July 6, 2012, the Office of Child Support (OCS) sanctioned Claimant for alleged non-cooperation and she was removed from the group.
3. In March 2013, Claimant requested to be added as a member to the MA and FAP case.

4. On May 1, 2013, the Department sent Claimant notice of denial of MA and FAP benefits based on failure to cooperate with child support requirements.
5. On May 28, 2013, the Department received Claimant's written hearing request protesting the Department action.

CONCLUSIONS OF LAW

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

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 Mich Admin Code, R 400.3001 through R 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.

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, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255 (December 2011), p.1. Cooperation is a condition of eligibility. BEM 255, 1. The head of household and the 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, p.10.

For FAP and MA purposes, the failure to cooperate without good cause results in member disqualification. BEM 255. The remaining eligible group members will continue to receive benefits. BEM 255. Bridges will not restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. BEM 255. A disqualified member is returned to the eligible group active for benefits in the month of cooperation. BEM 255.

In this case, the Claimant was sanctioned by OSC for alleged failure to cooperate. In March 2013, Claimant provided several pages of detailed written documentation to the Department regarding the non-custodial parents of her children. This information was

faxed to OCS by the Department Worker. Claimant testified that she provided all known information about the non-custodial parents to both OCS and the Department. Her testimony was not refuted. The Department Representative testified that the documentation provided by Claimant appeared to be sufficient, however OCS has yet to remove the sanction. The OCS did not appear at hearing and thus presented no evidence as to why the child support sanction was not removed. Based on the record, the Department did not establish by a preponderance of the evidence that Claimant failed to cooperate without good cause with OCS and thus is subject to disqualification from the receipt of benefits as of March 2013.

Accordingly, the Department's action is not UPHELD.

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 not establish it acted properly when it denied Claimant's request for FAP and MA benefits based on failure to cooperate with Office of Child Support without good cause.

Accordingly, the Department's FAP and MA determination is hereby, **REVERSED**.

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

1. The Department shall remove the child support sanction and return Claimant to the FAP and MA group as of March 2013 if otherwise eligible and qualified in accordance with policy.
2. The Department shall issue a supplement for loss FAP benefits (if any) in accordance with departmental policy.

M. Howie

Michelle Howie
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 7/12/2013

Date Mailed: 7/12/2013

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

MH/hw

cc:

