

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

IN THE MATTER OF:

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

Reg. No.: 2013-52011
Issue No.: 3019
Case No.: ██████████
Hearing Date: July 10, 2013
County: Wayne (19)

ADMINISTRATIVE LAW JUDGE: Eric Feldman

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 three-way telephone hearing was held on July 10, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department or DHS) included ██████████, Eligibility Specialist; ██████████ Assistant Payment Supervisor. Also, ██████████, Lead Child Support Specialist, was present from the Office of Child Support ("OCS").

ISSUE

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

- | | |
|--|---|
| ☐ Family Independence Program (FIP)? | ☐ Adult Medical Assistance (AMP)? |
| ☒ Food Assistance Program (FAP)? | ☐ State Disability Assistance (SDA)? |
| ☐ Medical Assistance (MA)? | ☐ 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. On February 23, 2012, the OCS sent Claimant a contact letter.
2. On March 15, 2012, Claimant contacted OCS and left a voicemail regarding information about the absent father.

3. On March 15, 2012, the Department contacted the Claimant back with no success because the information she provided about the absent father was insufficient.
4. On April 5, 2012, the OCS sent Claimant a second contact letter.
5. On May 11, 2012, Claimant was placed in non-cooperation status with OCS due to her failure to respond to the contact letters.
6. On March 28, 2013, Claimant applied for FAP benefits.
7. On May 15, 2013, the Department sent Claimant a Verification Checklist ("VCL"), which requested Claimant to comply with the OCS by May 28, 2013. Exhibit 1.
8. Claimant did not comply with the OCS by the May 28, 2013 due date.
9. On May 29, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective March 28, 2013, ongoing, due to her non-cooperation status with the OCS. Exhibit 1.
10. On June 10, 2013, Claimant filed a hearing request, protesting her FAP denial. Exhibit 1.
11. In June 2013, the OCS placed Claimant in cooperation status with OCS and backdated her cooperation status to May 11, 2012, due to Claimant actually responding to the contact letters in March 2012.

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 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. Rule 400.3001 through Rule 400.3015.

On March 28, 2013, Claimant applied for FAP benefits. On May 15, 2013, the Department sent Claimant a Verification Checklist ("VCL"), which requested Claimant to comply with the OCS by May 28, 2013. Exhibit 1. Claimant did not comply with the OCS by the May 28, 2013 due date. On May 29, 2013, the Department sent Claimant a Notice of Case Action notifying her that her FAP application was denied effective March 28, 2013, ongoing, due to her non-cooperation status with the OCS. Exhibit 1.

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 2011), p. 1. Failure to cooperate without good cause results in disqualification. BEM 255, p. 1.

For FAP applications, client has 10 days to cooperate with the OCS. BEM 255, p. 10. The Department informs the client to contact the OCS in the verification check list (VCL). BEM 255, p. 10. The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true: there is a begin date of non-cooperation in the absent parent logical unit of work; there is not a subsequent comply date; support/paternity action is still a factor in the child's eligibility; and good cause has not been granted nor is a claim pending. BEM 255, p. 10.

Also for FAP cases, failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. BEM 255, p. 11. The individual and his/her needs are removed from the FAP EDG for a minimum of one month. BEM 255, p. 11. The remaining eligible group members will receive benefits. BEM 255, p. 11.

At the hearing, an OCS caseworker was present for hearing to testify regarding Claimant's non-cooperation. The OCS caseworker testified that on February 23, 2012, the OCS sent Claimant a contact letter. On March 15, 2012, Claimant contacted OCS and left a voicemail regarding information about the absent father. On March 15, 2012, the Department contacted Claimant with no success because the information she provided about the absent father was insufficient. On April 5, 2012, the OCS sent Claimant a second contact letter. On May 11, 2012, Claimant was placed in non-cooperation status with OCS due to her failure to respond to the contact letters. Then, the OCS caseworker stated that in June 2013, the OCS placed Claimant in cooperation status with OCS and backdated her cooperation status to May 11, 2012, due to Claimant actually responding to the contact letters in March 2012.

Claimant testified that when she contacted the Department back on March 15, 2012, she stated that she did not have any of the contact information regarding the absent father. Moreover, as of today's hearing, Claimant still did not have the contact information.

Based on the foregoing information and evidence, the Department improperly denied Claimant's FAP application effective March 28, 2013, ongoing. The OCS caseworker conceded that Claimant was in cooperation status with OCS and backdated her cooperation status to May 11, 2012, due to Claimant actually responding to the contact letters in March 2012. Thus, at the time of the FAP application, Claimant was in cooperation status and the denial of the application was invalid.

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

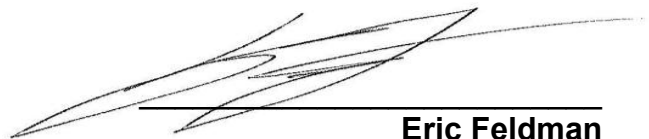
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

☐ 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. Remove Claimant's non-cooperation status with the Office of Child Support, if any;
2. Reregister the March 28, 2013 FAP application;
3. Begin reprocessing the application/recalculating the FAP budget for March 28, 2013, ongoing, in accordance with Department policy;
4. Issue supplements to Claimant for any FAP benefits she was eligible to receive from March 28, 2013 application; and
5. Notify Claimant in writing of its FAP decision in accordance with Department policy;



Eric Feldman
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 17, 2013

Date Mailed: July 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 affect the substantial rights of the claimant,
 - 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

EJF/cl

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