

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

IN THE MATTER OF:

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

Reg. No.: 2013-53611
Issue No.: 1003;2006;3008
Case No.: ██████████
Hearing Date: July 17, 2013
County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 conducted on July 17, 2013 from Detroit, Michigan. Claimant appeared and testified. Participating on behalf of the Department of Human Services (Department) was ██████████ Family Independence Case Manager. ██████████ from the Office of Child Support also participated.

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP), Family Independence Program (FIP) and Medical Assistance (MA) cases based on a failure to comply 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. Claimant was an ongoing recipient of MA, FAP and FIP benefits.
2. On March 25, 2013, the Department sent Claimant a Notice of Case Action informing her that her FAP and FIP cases would be closed effective May 1, 2013 based on a failure to cooperate with child support. (Exhibit 1)
3. On an unverified date, the Department sent Claimant a Notice of Case Action informing her that her MA case would be closing based on a failure to cooperate with child support.

4. On June 14, 2013, Claimant filed a hearing request disputing the Department's actions.

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 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.

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. Rule 400.3001 through Rule 400.3015.

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

Additionally, the custodial parents 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 she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (December 2011), pp. 1, 10-11. At application, client has 10 days to cooperate with the OCS. Bridges informs the client to contact the OCS in the VCL. BEM 255, p.10. A client's cooperation with paternity and obtaining child support is a condition of FIP, FAP and MA eligibility. BEM 255, pp. 1, 9-11. Cooperation is required in all phases of the process to establish paternity and obtain support and includes providing all known information about the absent parent. BEM 255, p 8. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for FIP, FAP and MA. BEM 255, pp. 9-11.

In this case, the OCS sent Claimant a contact letter on December 22, 2012 requesting the name, date of birth, social security number, address and any available information that Claimant had on the biological father of her child. On February 6, 2013, OCS sent Claimant a second contact letter requesting the same information. On March 23, 2013,

the OCS sent Claimant a Noncooperation Notice informing her that her failure to respond to the previous letters in connection with the child support program would affect her Department benefits. The Department sent Claimant notices of case action informing her of the closure of her MA, FAP and FIP cases.

The OCS representative testified that on May 13, 2013, Claimant contacted the OCS and an interview was conducted. At the interview, Claimant was unable to provide any information regarding the identity of her child's father other than the name '██████' and as a result, OCS concluded that Claimant remained in noncompliance because she had not provided sufficient information which could assist OCS in identifying the father. At the hearing, Claimant credibly testified that she does not have any additional information on the father of her child and that she does not know who he is or where he lives. Claimant stated that she does not know if '██████' is his first name or just a nick name. Claimant further stated that she used to have a phone number for him, but that all of the phone numbers on her phone were deleted, including his. Claimant testified that she did not know anyone who knew the father nor did she know anyone who would be able to assist her in getting more information on his identity.

Under the facts presented, the OCS failed to establish that Claimant did not disclose all known information concerning the father and that she had additional information regarding the father's identity. As such, the Department failed to satisfy its burden in establishing that Claimant was noncompliant with her child support reporting obligations. Thus, the Department did not act in accordance with Department policy in closing Claimant's MA, FAP and FIP cases.

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 act in accordance with Department policy when it closed Claimant's MA, FAP and FIP cases' applications based on a failure to cooperate with child support. Accordingly, the Department's decisions are REVERSED.

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

1. Remove the child support sanctions that were imposed on Claimant's MA, FAP and FIP cases;
2. Initiate reinstatement of Claimant's FAP and FIP cases effective May 1, 2013, in accordance with Department policy;
3. Initiate reinstatement of Claimant's MA case effective the date of closure, in accordance with Department policy;

4. Begin issuing supplements to Claimant for any MA, FAP and FIP benefits that she was entitled to receive but did not from the date of closure, ongoing; and
5. Notify Claimant of its decision in writing in accordance with Department policy.



Zainab Baydoun
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 25, 2013

Date Mailed: July 25, 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

ZB/cl

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