

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

IN THE MATTER OF:



Reg. No.: 2013-56401 &
2013-55992
Issue No.: 2008; 2006
Case No.: [REDACTED]
Hearing Date: August 6, 2013
County: Macomb 36

ADMINISTRATIVE LAW JUDGE: Susanne E. Harris

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 August 6, 2013, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included Lead Support Specialist of the Office of Child Support (OCS), [REDACTED] and Eligibility Specialist (ES) [REDACTED].

ISSUE

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

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> 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. Claimant applied for benefits received benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP). | <input type="checkbox"/> Adult Medical Assistance (AMP). |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP). | <input type="checkbox"/> State Disability Assistance (SDA). |
| <input checked="" type="checkbox"/> Medical Assistance (MA). | <input type="checkbox"/> Child Development and Care (CDC). |

2. On June 1, 2013, the Department denied Claimant's application closed Claimant's MA case due to her non-cooperation with the OCS.

3. There is no DHS-1605, Notice of Case Action in evidence regarding the Claimant's FAP case. At some point in time around June of 2013, the Department denied Claimant's application closed Claimant's FAP case due to her non-cooperation with the OCS.
4. On June 25, 2013, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. MA closure.
5. On July 2 and 3 of 2013, Claimant filed a hearing requests, protesting the denial of the application. the closures of her FAP and MA cases.

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

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 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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

The Claimant had two cases on the Administrative Law Judge's docket and those cases were combined into one hearing for the convenience of the parties, as both negative actions were the result of the Department's asserting that the Claimant was not complying with the OCS. Bridges Eligibility Manual (BEM) 255 (2011) p.1, requires that all custodial parents must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending.

The testimony of the Lead Support Specialist in this case is that she is not the Support Specialist (SS) in the Claimant's case, but as Lead SS it is her responsibility to represent the OCS at the hearing. The Lead SS also testified that the notes of the Claimant's SS the Claimant's case had no entries for the time period between 2004 and 2013. The Lead SS testified such a gap in the notes was unusual and she therefore concluded that the notes likely incomplete. There was no documentary evidence of non-compliance in the record. The Lead SS testified that the notes did indicate that letters were sent to the Claimant and in response, the Claimant did call and leave a message for her SS on June 19, 2013 and that the SS tried to return that call, but that the number was disconnected.

When asked what the Claimant's alleged non-compliance was, the Lead SS testified that the OCS did not have the information it needed to determine paternity. With thje exception off the telephone call of June 19, 2013, the Claimant has not been in contact with the OCS, as far as she could tell from the notes of the Claimant's SS. The Claimant testified that she telephoned her SS several times and her hearing request indicates that she even went to Detroit and Macomb county seeking to cooperate and that no one in either office had her case number. While on the record, the Claimant did answer the questions that the Lead SS had for her. As the Claimant's testimony is not refuted by anyone who would have personal knowledge of her attempts to contact her SS, the Administrative Law Judge finds that the evidence is insufficient to establish that the Claimant was not cooperating with the OCS. As such, the evidence is insufficient to establish that the Department was acting in accordance with its policy when it took action to close the Claimant's FAP and MA cases.

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**.

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

1. Initiate action to reinstate the Claimant's FAP and MA cases back to their closure dates, and
2. Initiate action to issue the Claimant any supplement she may thereafter be due.

/s/

Susanne E. Harris
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: 8/8/13

Date Mailed: 8/9/13

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.

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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

SEH/tb

cc:

