

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2013-58881
Issue Nos.: 2006, 3008, 6015
Case No.: [REDACTED]
Hearing Date: August 15, 2013
County: Wayne (82-17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 15, 2013, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly close Claimant's Food Assistance Program (FAP), Child Development and Care (CDC), and Medical Assistance (MA) cases due to noncooperation 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, CDC and FAP benefits.
2. On May 4, 2013, the Department sent Claimant a Notice of Case Action closing her CDC case effective May 5, 2013, and her FAP case effective June 1, 2013, because she had failed to cooperate with child support requirements.
3. On May 23, 2013, the Department sent Claimant a Notice of Case Action closing her MA case effective July 1, 2013, because she had failed to cooperate with child support requirements.

4. On July 10, 2013, Claimant filed a hearing request, disputing the Department's action.

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 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.

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 Mich Admin Code, R 400.5001 through R 400.5015.

Additionally, although the Department did not provide the relevant Notice of Case Action concerning Claimant's FAP and CDC cases, the evidence at the hearing established that the Department closed Claimant's FAP, CDC and MA cases based on her failure to comply with her child support reporting obligations.

A client's cooperation with paternity and obtaining child support is a condition of FAP, CDC, and MA eligibility. BEM 255 (December 2011), p. 1. Failure to cooperate without good cause results in disqualification for the adult member who fails to cooperate. BEM 255, pp. 9-11.

In this case, the OCS participated in the hearing and testified that the child support noncooperation at issue was removed from Claimant's record as of May 2, 2013, because the father at issue lived in the household with Claimant. Because the OCS acknowledged that Claimant was in compliance with child support reporting obligations as of May 2, 2013, the Department did not act in accordance with Department policy when it closed Claimant's FAP, CDC and MA on the basis of the noncompliance. It is further noted that Claimant's noncompliance should not have resulted in closure of

Claimant's FAP benefits for the remaining members of her FAP group. See BEM 255, p. 11.

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 FAP, MA and CDC cases.

Accordingly, the Department's decision is 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 May 2013 child support noncooperation from Claimant's record;
2. Reinstate Claimant's FAP case effective June 1, 2013;
3. Issue supplements to Claimant for FAP benefits she was eligible to receive but did not from June 1, 2013, ongoing;
4. Reinstate Claimant's CDC case effective May 5, 2013;
5. Allow Claimant's provider to bill for any CDC benefits Claimant was eligible to receive from May 5, 2013, ongoing;
6. Issue supplements to Claimant's provider for any CDC benefits the provider was eligible to receive but did not from May 5, 2013, ongoing;
7. Reinstate Claimant's MA case effective July 1, 2013;
8. Provide Claimant with MA coverage she is eligible to receive from July 1, 2013, ongoing.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 20, 2013

Date Mailed: August 21, 2013

NOTICE OF APPEAL: 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 or Reconsideration was made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

A Request for Rehearing or Reconsideration may be granted when one of the following exists:

- Newly discovered evidence that existed at the time of the original hearing that could affect the outcome of the original hearing decision;
- Misapplication of manual policy or law in the hearing decision which led to a wrong conclusion;
- Typographical, mathematical or other obvious error in the hearing decision that affects the rights of the client;
- Failure of the ALJ to address in the hearing decision relevant issues raised in the hearing request.

The Department, AHR or the claimant must specify all reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration. A request must be *received* in MAHS within 30 days of the date the hearing decision is mailed.

The written request must be faxed to (517) 335-6088 and be labeled as follows:

Attention: MAHS Rehearing/Reconsideration Request

If submitted by mail, the written request must be addressed as follows:

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

ACE/pf

cc:

