

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201415069
Issue No.: 1000, 2001, 3001
Case No.: [REDACTED]
Hearing Date: January 9, 2014
County: Kent County DHS

ADMINISTRATIVE LAW JUDGE: Kevin Scully

HEARING DECISION

Following Claimant's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 45 CFR 99.1 to 99.33; and 45 CFR 205.10. After due notice, a telephone hearing was held on January 9, 2014, from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED] [REDACTED]. Participants on behalf of the Department of Human Services (Department) included [REDACTED] [REDACTED] and [REDACTED] [REDACTED].

ISSUE

Whether the Department of Human Services (Department) properly determined that the Claimant was non-cooperative with the Office of Child Support?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The Claimant is an ongoing Medical Assistance (M. A.) and Food Assistance Program (FAP) recipient.
2. On November 8, 2013, the Department notified the Claimant that her Food Assistance Program (FAP) group would be reduced to a household size of one.
3. The Department received the Claimant's request for a hearing on November 20, 2013, protesting Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) benefits.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food Stamp Act of 1977, as amended, 7 USC 2011 to 2036a and is implemented by the federal regulations contained in 7 CFR 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Claimant is an ongoing Medical Assistance (M.A.) and Food Assistance Program (FAP) recipient. On November 8, 2013, the Department notified the Claimant that her Food Assistance Program (FAP) group would be reduced to a household size of one.

During the hearing, the Department's representative testified that it found the Claimant to be cooperative with the Office of Child Support and that no sanction would apply to any of the Claimant's benefits. The Department's representative testified that the Claimant's benefits had been restored, but failed to provide documentary evidence of the restoration. The Department's representative testified that the Claimant has not requested Family Independence Program (FIP) benefits.

The Claimant did not dispute the Department's claims that she is not an active Family Independence Program (FIP) recipient, and the Claimant's hearing request is dismissed with respect to the FIP program.

Based on the evidence and testimony available during the hearing, this Administrative Law Judge finds that the Department failed to offer sufficient evidence to establish that it properly determined the Claimant's eligibility for Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits as of November 1, 2013.

DECISION AND ORDER

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it determined the Claimant's eligibility for Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits.

Accordingly, the Department's decision is **REVERSED**.

THE DEPARTMENT IS ORDERED TO BEGIN DOING THE FOLLOWING, IN ACCORDANCE WITH DEPARTMENT POLICY AND CONSISTENT WITH THIS HEARING DECISION, WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate a determination of the Claimant's eligibility for Medical Assistance (M.A.) and Food Assistance Program (FAP) as of November 1, 2013.
2. Provide the Claimant with a Notice of Case Action (DHS-16 05) describing the Department's eligibility determination.
3. Provide the Claimant with written notification of her cooperation status with the Office of Child Support as of November 1, 2013.
4. If any member of the Claimant's household is found to be non-cooperative with the Office of Child Support in any way, provide the Claimant with the opportunity to cooperate as directed by policy.
5. Provide the Claimant with a written printout detailing the amount and source of any countable unearned income received by members of her household in November of 2013.
6. Issue the Claimant any retroactive benefits Medical Assistance (M.A.) and/or Food Assistance Program (FAP) may be eligible to receive, if any.

/s/ _____
Kevin

Scully
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: January 10, 2014

Date Mailed: January 10, 2014

NOTICE OF APPEAL: 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.

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).

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

KS/hj

cc:

