

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201421108
Issue No(s): [REDACTED]
Case No.: [REDACTED]
Hearing Date: February 4, 2014
County: Macomb

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 February 4, 2014, from Lansing, Michigan. Participants on behalf of Claimant included himself. Participants on behalf of the Department of Human Services (Department) included ES [REDACTED]. There were no participants from the Office of Child Support or the Prosecuting Attorney's Office.

ISSUE

Did the Department properly close Claimant's Medical Assistance (MA) beginning February 1, 2014, for failure to cooperate with the Office of Child Support?

Did the Department properly remove Claimant from the Food Assistance Program (FAP) benefit group beginning November 1, 2013, for failure to cooperate with the Office of 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 is the custodial parent of [REDACTED] and [REDACTED], who are both teenagers.
2. On April 20, 2012, Claimant was placed in non-cooperation status regarding [REDACTED].
3. On October 10, 2012, Claimant was found to be in cooperation regarding [REDACTED].

4. On January 1, 2013, Claimant's Family Independence Program (FIP) benefits ended. There is no jurisdiction to address and Family Independence Program (FIP) issues. The Family Independence Program (FIP) portion of this hearing is dismissed.
5. On May 28, 2013, Claimant was placed in non-cooperation status regarding both [REDACTED] and [REDACTED]. Claimant was sent a Notice of Case Action (DHS-1605) which stated he was removed from the Food Assistance Program (FAP) benefit group.
6. Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) were due for redetermination by November 1, 2013.
7. On January 2, 2014, Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) redetermination was completed. Claimant was sent a Notice of Case Action (DHS-1605) which stated he was not eligible for Medical Assistance (MA) and was not included in the Food Assistance Program (FAP) benefit group due to failure to cooperate with Office of Child Support.
8. On January 9, 2014, Claimant submitted a request for hearing about Family Independence Program (FIP), Medical Assistance (MA) and Food Assistance Program (FAP) benefits alleging his ex-wife was ordered to pay child support a long time ago.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Human Services Bridges Administrative Manual (BAM), Department of Human Services Bridges Eligibility Manual (BEM), Department of Human Services Reference Tables Manual (RFT), and Department of Human Services Emergency Relief Manual (ERM).

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.

During this hearing the DHS local office representative testified that she believes the Prosecuting Attorney's Office placed the noncooperation status on Claimant. [REDACTED] [REDACTED] also testified that information was faxed to both the Prosecuting Attorney's Office and the Office of Child Support. She also testified that she does not have access

to the files for either of those entities and does not know why Claimant was placed in noncooperation status.

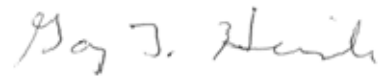
The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department failed to satisfy its burden of showing that it acted in accordance with Department policy when it placed Claimant in noncooperation status on May 28, 2013.

DECISION AND ORDER

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. Remove the Office of Child Support noncooperation status from Claimant as of May 28, 2013.
2. Process his benefit programs in accordance with Department policy.



Gary F. Heisler
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 02/05/2014

Date Mailed: 02/06/2014

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

GFH/sw

cc:

