

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201420991
Issue No.: 1001, 2001, 2011,
3001, 3008
Case No.: [REDACTED]
Hearing Date: March 18, 2014
County: Oakland County DHS #3

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 March 18, 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] representing the Department of Human Services (Department), and [REDACTED] [REDACTED] representing the Oakland County Prosecuting Attorney's Office.

ISSUES

Whether the Department of Human Services (Department) properly denied the Claimant's application for Family Independence Program (FIP) benefits?

Whether the Department properly determined the Claimant's eligibility for the Food Assistance Program (FAP)?

Whether the Department properly denied the Claimant's application for Medical Assistance (M.A.) benefits?

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 receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]
2. Group member C.L. receives monthly Retirement, Survivors, and Disability Insurance (RSDI) in the gross monthly amount of \$ [REDACTED]
3. Group member A.L. is attending a post-secondary educational program.

4. On November 27, 2013, the Department approved the Claimant for Food Assistance Program (FAP) as a group of one in the monthly amount of \$ [REDACTED]
5. The Department denied the Claimant's request for Family Independence Program (FIP) benefits and Medical Assistance (M.A.).
6. The Department sanctioned the Claimant's Medical Assistance (M.A.), and Food Assistance Program (FAP) benefits for non-cooperation with the prosecuting attorney's office concerning child support.
7. The Department received the Claimant's request for a hearing on January 2, 2014, protesting the denial of Family Independence Program (FIP) benefits, the amount of Food Assistance Program (FAP) benefits, and the denial of Medical Assistance (M.A.).

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

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.

All earned and unearned income available to the Claimant is countable. Earned income means income received from another person or organization or from self-employment for duties for duties that were performed for compensation or profit. Unearned income means all income that is not earned, including but not limited to funds received from the Family Independence Program (FIP), State Disability Assistance (SDA), Child Development and Care (CDC), Medicaid (MA), Social Security Benefits (RSDI/SSI), Veterans Administration (VA), Unemployment Compensation Benefits (UCB), Adult Medical Program (AMA), alimony, and child support payments. The amount counted may be more than the client actually receives because the gross amount is used prior to any deductions. Department of Human Services Bridges Eligibility Manual (BEM) 500 (July 1, 2013).

The Claimant and group member receive monthly Retirement, Survivors, and Disability Insurance (RSDI) with a total combined benefit amount of \$ [REDACTED]. The income limit for a group of three to receive Family Independence Program (FIP) benefits is \$ [REDACTED] Department of Human Services Reference Table Manual (RFT) 210 (December 1, 2013), pp 1-2. The Department has established that it was acting in accordance with policy when it denied the Claimant's request for Family Independence Program (FIP) benefits.

The Department sanctioned the Claimant's Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits after determining that she has failed to cooperate with the Office of Child Support.

Families are strengthened when children's needs are met. Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department, including the Office of Child Support (OCS), the Friend of the Court (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. Cooperation is a condition of eligibility for Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (January 1, 2014), p 9.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes all of the following:

- Contacting the support specialist when requested.
- Providing all known information about the absent parent.
- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support. Id.

Exceptions to the cooperation requirement are allowed for all child support actions except when the recipient fails to return assigned child support payments received after the support certification effective date. Id.

A representative of the Oakland Prosecuting Attorney's office testified and provided business records supporting a finding that the Claimant has failed to respond to repeated requests for information about the absent parent,

The Claimant testified that she provided some information to the prosecuting attorney's office. The Claimant failed to establish that good cause was reported to the Department, or that circumstances amounting to good cause were present in this case. The Claimant failed to establish that she responded to all requests for information made by the prosecuting attorney's office. This Administrative Law Judge finds that the Department properly sanctioned the Claimant's Medical Assistance (M.A.) and Food Assistance Program (FAP) benefits for non-cooperation with the Oakland County Prosecuting Attorney's office.

The Claimant requested Food Assistance Program (FAP) benefits as a group of three. The Claimant has been sanctioned from her Food Assistance Program (FAP) group due

to non-cooperation with the Oakland County Prosecuting Attorney's office as described above. Group member A.L. is disqualified from the Food Assistance Program (FAP) group as a student in a post-secondary educational program that does not meet the requirements of the student status policy. The Department approved the Claimant for Food Assistance Program (FAP) benefits as a group of one with a monthly allotment of \$ [REDACTED]

It is not disputed that group member A.L. is enrolled at Henry Ford Community College. No evidence was presented that A.L. meets the criteria of Department of Human Services Bridges Eligibility Manual (BEM) 245.

This Administrative Law Judge finds that the Department was acting in accordance with policy when it determined that the Claimant was eligible for Food Assistance Program (FAP) as a group of one.

This Administrative Law Judge finds that the Department has established that it was acting in accordance with policy when it determined the Claimant's eligibility for Family Independence Program (FIP), Medical Assistance (M.A.), and Food Assistance Program (FAP) benefits.

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 acted in accordance with Department policy when it denied Family Independence Program (FIP) and Medical Assistance (M.A.) benefits, and approved Food Assistance Program (FAP) as a group of one.

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



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

Date Signed: March 25, 2014

Date Mailed: March 25, 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:

