

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 201424748  
Issue No.: 2011  
Case No.: [REDACTED]  
Hearing Date: April 28, 2014  
County: Oakland (02)

**ADMINISTRATIVE LAW JUDGE:** Alice C. Elkin

**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, an in-person hearing was held on April 28, 2014, from Madison Heights, Michigan. Participants on behalf of Claimant included [REDACTED], hearing representative with [REDACTED]; Claimant's authorized hearing representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED], Eligibility Specialist, and [REDACTED], Lead Specialist with the Office of Child Support (OCS).

**ISSUE**

Did the Department properly deny Claimant's October 31, 2013 application for Medical Assistance (MA) benefits, with request for retroactive coverage for August 2013 and September 2013, because of her noncooperation with child support reporting obligations?

**FINDINGS OF FACT**

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

1. On October 31, 2013, the AHR filed an MA application on Claimant's behalf with a request for retroactive coverage to August 2013.
2. On November 1, 2013, the Department sent Claimant and the AHR a Verification Checklist (VCL) requesting, among other things, that Claimant contact OCS and resolve a child support noncooperation issue.

3. On December 12, 2013, the Department sent Claimant a Notice of Case Action denying the application.
4. On January 23, 2014, the AHR filed a request for hearing disputing the Department's actions.

### **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.

Additionally, Department policy requires that the custodial parent of children must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2013), p. 1. At application, the Department must notify the client of an OCS noncooperation through a VCL. BEM 255, p. 12. If the client fails to cooperate with OCS on or before the VCL due date, the client is disqualified from MA eligibility if (i) the child for whom support/paternity action is required receives MA and (ii) the client and child live together. BEM 255, pp. 11, 12, 13.

In this case, the Department notified Claimant and the AHR in a November 1, 2013 VCL that Claimant was required to cooperate with OCS to establish MA eligibility. The AHR received three extensions of the VCL due date, with the last due date extension on December 12, 2013. OCS participated in the hearing and testified that its business records showed that Claimant contacted OCS only once in September 2013 and did not respond to three return calls from OCS to resolve the OCS issue concerning her daughter. Claimant remained in noncooperation with her child support reporting obligations. Furthermore, the OCS agent testified that, under the new policy beginning October 1, 2013, all calls to OCS were answered by a person and, although there were some issues concerning the availability of OCS agents to answer calls initially, that issue was resolved within the first few weeks. Claimant was not at the hearing to counter OCS's testimony. Under the evidence presented, the Department properly concluded that Claimant was in noncooperation with her child support reporting obligations as of the VCL extended due date.

The evidence at the hearing further established that the child at issue lived with Claimant and received MA coverage by the Department. As such, 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 Claimant's October 31, 2013 MA application with request for retroactive coverage to August 2013.

**DECISION AND ORDER**

Accordingly, the Department's decision is AFFIRMED.

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

Date Signed: May 12, 2014

Date Mailed: May 12, 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:

2014-24748/ACE

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

ACE/tif

cc:

