

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

**IN THE MATTER OF:**

██████████  
██████████████████  
██████████████████

Reg. No.: 14-007589  
Issue No.: 2011; 3011; 5011  
Case No.: ██████████  
Hearing Date: August 25, 2014  
County: Wayne Pathways To Potential

**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, a telephone hearing was held on August 25, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Pathway to Potential Success Coach/Family Independent Specialist, and ██████████, Lead Specialist with the Office of Child Support (OCS).

**ISSUE**

Did the Department properly deny Claimant's application for State Emergency Relief (SER) eligibility due to child support noncooperation?

Did the Department properly remove Claimant from her Food Assistance Program (FAP) case due to child support noncooperation?

Did the Department properly deny Claimant Medical Assistance (MA) benefits due to child support noncooperation?

**FINDINGS OF FACT**

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

1. In 2006, OCS placed Claimant in noncooperation with her child support reporting obligations concerning her daughter ██████████ (T).

2. At some point prior to June 2013, Claimant was removed as a member of her FAP group and her MA case was closed due to her noncooperation with her child support reporting obligations.
3. On May 27, 2014, Claimant applied for SER assistance with electric and gas.
4. On June 5, 2014, the Department sent Claimant a SER Decision Notice denying her application due to her child support noncooperation.
5. On July 7, 2014, Claimant filed a request for hearing disputing the Department's actions concerning her SER application and her MA and FAP cases.

### **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).

Additionally, Claimant requested a hearing concerning the Department's denial of her SER application and her disqualification from FAP and MA eligibility.

#### **SER Denial**

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Family Independence Agency) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001 through R 400.7049.

The Department testified that it denied Claimant's May 27, 2014 SER application for assistance with energy services because she was in noncompliance with child support reporting obligations with respect to her daughter T. A client who is non-cooperative with OCS is ineligible for SER and the ineligibility continues until the client complies. ERM 203 (June 2013), p. 2.

In this case, the OCS participated in the hearing and testified that Claimant had been in noncompliance with her OCS reporting obligations with respect to her daughter T since August 2, 2006. OCS testified that Claimant had contacted OCS on various occasions between September 2005 and the July 16, 2014 prehearing conference on this matter in response to the noncooperation allegations but the information she provided had been inconsistent and inconclusive. A review of the information provided confirms OCS's conclusion. Claimant's testimony was not sufficient to counter OCS's evidence of inconsistent explanations and limited information concerning her daughter T's father, particularly in light of Claimant's acknowledgement that T's putative father lived with her and the child intermittently for the first six months of the child's life.

Because Claimant was in noncooperation with her child support reporting obligations at the time of the May 27, 2014 SER application and there was no evidence that the noncompliance was improperly applied to Claimant's case, the Department acted in accordance with Department policy when it denied Claimant's SER application.

### **MA Case**

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act, 42 USC 1396-1396w-5; 42 USC 1315; the Affordable Care Act of 2010, the collective term for the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152; and 42 CFR 430.10-.25. The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

The Department testified, and Claimant confirmed, that Claimant's MA case had been closed for over a year at the time she requested a hearing concerning her MA case. Because the Department had not notified Claimant of any adverse action it intended to take concerning her MA benefits in the 90 days preceding her July 7, 2014 request for hearing and Claimant has not alleged that the Department failed to process an MA application she submitted, Claimant has failed to establish a basis for requesting a hearing concerning MA benefits. BAM 600 (July 2014), p. 6; Mich Admin Code, R 400.903(1). Therefore, Claimant's hearing request with respect to the MA issue is dismissed.

### **FAP Case**

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 273. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001 to .3015.

The only issue presented by Claimant concerning her FAP benefits was her exclusion from the group. The Department testified that, because of the child support noncooperation, Claimant was designated a disqualified member of her FAP group and removed from the FAP group. As a result, her needs were not considered in calculating the FAP benefits the household was eligible to receive.

As a condition of FAP eligibility, the custodial parent of a minor child must comply with all requests for action or information needed to establish paternity and/or obtain child support on behalf of children for whom the parent receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (January 2014), p. 1. If an individual fails, without good cause, to cooperate with child support reporting obligations, and OCS does not record a comply date on or before the timely hearing request date, that individual is disqualified from the FAP group until the later of one month or when she cooperates. BEM 255, pp. 12-14. The person is excluded from

the FAP group count but the Department budgets a pro rata share of her earned and unearned income in calculating the remaining group members' FAP eligibility. BEM 550 (February 2014), p. 3; BEM 212 (July 2014), p. 8.

As discussed above, Claimant failed to comply with her child support reporting obligations. Because there was no comply date entered in connection with Claimant's child support case concerning her daughter T, the Department acted in accordance with Department policy when it disqualified Claimant from her FAP group.

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 excluded Claimant from her FAP group and when it denied her SER application.

### **DECISION AND ORDER**

Claimant's July 7, 2014 request for hearing concerning the MA matter is DISMISSED.

The Department's FAP and SER decisions are AFFIRMED.



**Alice C. Elkin**

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

Date Signed: **8/27/2014**

Date Mailed: **8/27/2014**

ACE / tlf

**NOTICE OF APPEAL:** A party may appeal this Hearing Decision in the circuit court in the county in which he/she resides, or the circuit court in Ingham County, within 30 days of the receipt date.

A party may request a rehearing or reconsideration of this Hearing Decision from the Michigan Administrative Hearing System (MAHS) within 30 days of the mailing date of this Hearing Decision, or MAHS may order a rehearing or reconsideration on its own motion.

MAHS may grant a party's Request for Rehearing or Reconsideration 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 party requesting a rehearing or reconsideration 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 this Hearing Decision is mailed.

A written request may be faxed or mailed to MAHS. If submitted by fax, 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

cc:

[REDACTED]