

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-008924
Issue No.: 1025
Case No.: [REDACTED]
Hearing Date: September 9, 2014
County: Lapeer

ADMINISTRATIVE LAW JUDGE: Landis Y. Lain

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; 42 CFR 431.200 to 431.250; and 45 CFR 205.10. After due notice, an in-person hearing was held on September 9, 2014. Claimant was represented at the hearing by her authorized hearings representative [REDACTED]. The Department Of Human Services was represented at the hearing by [REDACTED], Eligibility Specialist and [REDACTED].

ISSUE

Did the Department of Human Services (the Department) properly deny Claimant's application for Medical Assistance (MA-P) based upon its' determination that Claimant failed to comply with 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. On January 24, 2014 is authorized representative applied for Medical Assistance covers for Claimant.
2. On February 20, 2014, the worker processed the application and sent a DHS – 3503, verification checklist out to Claimant.
3. On February 22, 2014 location information was returned to the Department.
4. On April 16, 2014 the worker input the information into the system and ran the eligibility report.

5. Eligibility was denied on the system because there was a noncooperation with child support sanction placed for Claimant.
6. On April 16, 2014, the Department sent Claimant and her authorized representative notice that her Medical Assistance benefits application was denied based upon the fact that she had a child support sanction in place.
7. One July 25, 2014, Claimant's authorized representative filed a request for a hearing to contest the Department's negative action

CONCLUSIONS OF LAW

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his or her claim for assistance has been denied. MAC R 400.903(1). Claimants have the right to contest a Department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The Department will provide an administrative hearing to review the decision and determine the appropriateness of that decision. BAM 600.

The Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or Department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (BAM), the Program Eligibility Manual (BEM) and the Program Reference Manual (PRM).

Department philosophy indicates that families are strengthened when children's needs are met. Parents have the responsibility to meet their children's needs by providing support and/or cooperating with the Department including the [REDACTED], the [REDACTED] to establish paternity and/or obtain support from an absent parent. Claimants must comply with all requests [REDACTED] child support on behalf of children for whom they receive assistance, unless their claim of good cause for not cooperating has been granted or is pending. BEM, Item 255, p. 1. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, denial of program benefits and/or case closure depending upon the program. Exceptions to the cooperation requirement are allowed for all child support actions except failure to return court ordered support payments received after the payment effective date. Grant good cause only if requiring cooperation/support action is against the child's best interest and there has been specific good cause reason. BEM, Item 255, pp. 1-2).

There are two types of good cause:

- Cases in which establishing paternity/securing support would harm the child. Do not require cooperation/support action at any of the following circumstances:
 - Where the child was conceived due to incest or forcible rape
 - Where legal proceedings for the adoption of the child are pending before a court, and
 - The Claimant is currently receiving counseling from a public or a licensed private social agency to decide if the child should be released for adoption and the counseling has not gone on for more than 3 months.
- Cases in which there is danger of physical or emotional harm to the child or Claimant. Physical or emotional harm may result if the Claimant or child has been subject to or in danger of:
 - Physical acts that result in, or threatened to result in physical injury
 - Sexual abuse
 - Sexual activity involving a dependent child
 - Being forced as a care taker relative of a dependent child to engage in non-consensual acts or activities.
 - Threats of or attempts at physical or sexual abuse
 - Mental abuse, and
 - Neglect or deprivation of medical care. BEM, Item 255, pp.2-3

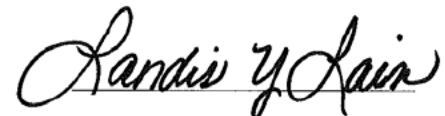
The child support sanction was placed [REDACTED]. The reason for this sanction was that Claimant failed to appear for a pointless with the prosecutor. No mail was returned to the [REDACTED] as undeliverable. Claimant provided no information about the putative father of her child. Claimant failed to appear for a hearing and did not provide any information about the father for child. Claimant remains in noncompliance without support in the sanction remains in place.

This Administrative Law Judge finds that Claimant does not have good cause for failure to provide information about her child's father. Therefore, this Administrative Law Judge finds that the Department has established by the necessary competent, material and substantial evidence on the record that it was acting in compliance with Department policy when it denied Claimant's application for Medical [REDACTED] benefits because Claimant did not provide information about the [REDACTED] support sanction in place which precluded eligibility. Therefore, the Department's actions must be UPHeld.

DECISION AND ORDER

he Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department has appropriately established on the record that it was acting in compliance with Department policy when it denied Claimant's application for Medical Assistance benefits based upon its determination that Claimant did not provide good cause for failure to provide information about the paternity of the child and based upon the fact that she did have a child support sanction in place.

Accordingly, the Department's decision is AFFIRMED.



Landis Y. Lain
Administrative Law Judge
for Maura D. Corrigan, Director
Department of Human Services

Date Signed: 9/19/14

Date Mailed: 9/22/14

NOTICE: Administrative Hearings 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. Administrative Hearings 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.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

LYL/tb

cc:

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