

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

IN THE MATTER OF:

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████████████████████

Reg. No.: 14-014759
Issue No.: 2011;3011;6011
Case No.: ██████████
Hearing Date: November 24, 2014
County: Wayne-District 35

ADMINISTRATIVE LAW JUDGE: Zainab Baydoun

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 three way telephone hearing was held on November 24, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Hearings Facilitator and ██████████, Lead Specialist from the Office of Child Support (OCS).

ISSUE

Did the Department properly terminate Claimant's Medical Assistance (MA) benefits, deny her application for Child Development and Care (CDC) benefits and reduce her Food Assistance Program (FAP) benefits on the basis that she failed to cooperate with child support reporting requirements?

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 was an ongoing recipient of FAP and MA benefits.
2. On or around September 8, 2014, Claimant submitted an application for CDC benefits.
3. On October 22, 2014, the Department sent Claimant a Notice of Case Action informing her that her CDC application was denied and that effective December 1, 2014, her FAP benefits would be decreasing and she would be disqualified as a group member based on a failure to cooperate with child support requirements. (Exhibits 1 and 2)

4. On October 22, 2014, the Department sent Claimant a Health Care Coverage Determination Notice informing her that effective December 1, 2014, her MA benefits would be terminated. (Exhibit 3)
5. On October 24, 2014, Claimant submitted a hearing request 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 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 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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

Additionally, the custodial parents 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 she receives assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (October 2014), p. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP, CDC and MA eligibility. BEM 255, pp. 1, 9-13. Cooperation is required in all phases of the process to establish paternity and obtain support and includes contacting the support

specialist when requested and providing all known information about the absent parent, among other things. BEM 255, p 9. Any individual required to cooperate who fails to cooperate without good cause may result in group ineligibility or member disqualification for FAP, CDC and MA. BEM 255, pp. 9-13.

In this case, on May 15, 2014, and June 15, 2014, the OCS representative testified that Contact Letters were sent to Claimant informing her to contact OCS and provide information regarding the noncustodial parent of her child. The OCS representative testified that on July 9, 2014, a Noncooperation Notice was issued to Claimant. The OCS further stated that an interview was conducted with Claimant on July 29, 2014; however, because Claimant could not provide any identifying information concerning the noncustodial parent, she continued to be in noncooperation. The Department representative testified that Claimant's CDC application was denied, her FAP benefits reduced and she was disqualified as a FAP group member effective December 1, 2014, based on her failure to cooperate with child support requirements. (Exhibits 1 and 2). Although the Healthcare Coverage Determination Notice does not list the reason for intended action as being a failure to cooperate with child support, the Department testified that based on her noncooperation, that Claimant was ineligible for MA effective December 1, 2014. (Exhibit 3).

At the hearing, Claimant testified that she contacted OCS and provided the Department with all of the information she had on the non-custodial father to attempt to resolve the issue with child support. Claimant stated that she did not know she was pregnant until she was about five months along. Claimant testified that she does not know who the father of her child is, as during the time the child was conceived, Claimant had multiple sexual partners, none of whom she had any identifying information. Claimant testified that she likely met the men she was with at a club but did not know anyone who would have any identifying information on the absent parent. Claimant's testimony at the hearing was consistent with the information she provided the OCS with during the interviews.

Under the facts presented, the Department and the OCS have failed to establish that Claimant had additional information regarding the father's identity that she failed to disclose, thereby, making her ineligible for FAP, CDC and MA benefits.

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 determined that Claimant was ineligible for FAP, CDC and MA benefits based on a non-cooperation with child support requirements.

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 child support sanctions that were placed on Claimant's FAP, CDC and MA cases;
2. Reinstate Claimant's MA case effective December 1, 2014;
3. Issue supplements to Claimant for MA benefits/coverage from December 1, 2014, ongoing;
4. Recalculate Claimant's FAP budget for December 1, 2014, ongoing, to include her as an eligible group member;
5. Issue supplements to Claimant for FAP benefits from December 1, 2014, ongoing;
6. Register and process Claimant's September 8, 2014, CDC application;
7. Issue supplements to Claimant and her CDC provider for any benefits that she was entitled to receive but did not from the application date, ongoing; and
8. Notify Claimant in writing of its decision.



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

Date Signed: **12/1/2014**

Date Mailed: **12/1/2014**

ZB / 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.

