

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 14-005013
Issue No.: 2011;3011
Case No.: [REDACTED]
Hearing Date: August 18, 2014
County: Wayne-District 18

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 telephone hearing was held on August 18, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payment Supervisor, [REDACTED], Eligibility Specialist and [REDACTED], Lead Worker from the Office of Child Support (OCS).

ISSUE

Did the Department properly terminate Claimant's Medical Assistance (MA) 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 MA and FAP benefits.
2. On April 4, 2014, the OCS sent Claimant a First Customer Contact Letter instructing her to contact the OCS to provide information about the non-custodial parent of her child. (Exhibit 1)
3. On May 5, 2014, the OCS sent Claimant a Final Customer Contact Letter informing her that she had 14 days to contact the OCS with information about the non-custodial parent of her child. (Exhibit 1)

4. On May 30, 2014, the OCS sent Claimant a Noncooperation Notice informing her that she was considered to be non-cooperative with child support requirements and that her benefits could be impacted. (Exhibit 1)
5. On June 3, 2014, the Department sent Claimant a Notice of Case Action informing her that effective July 1, 2014, her FAP benefits would be decreasing and she would be removed as a FAP group member on the basis that she failed to cooperate with child support requirements. (Exhibit 2)
6. On June 17, 2014, the Department sent Claimant a Health Care Coverage Determination Notice informing her that effective July 1, 2014, her MA benefits would be terminated on the basis that she failed to cooperate with child support requirements. (Exhibit 3)
7. On June 9, 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.

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 they receive assistance, unless a claim of good cause for not cooperating has been granted or is pending. BEM 255 (January 2014), p. 1. A client's cooperation with paternity and obtaining child support is a condition of FAP 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 and MA. BEM 255, pp. 9-13.

In this case, on April 4, 2014, and May 5, 2014, OCS sent Claimant Contact Letters informing her to contact OCS and provide information regarding the noncustodial parent of her child. At the hearing, the OCS representative testified that although Claimant did respond to the letters and that she did contact OCS with some information concerning the absent father, the information was insufficient to find her in cooperation with child support requirements and a Noncooperation Notice was issued to Claimant on May 30, 2014. The Department initiated the closure of Claimant's MA case and reduction of her FAP benefits, effective July 1, 2014.

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 only saw the father of her child on three occasions and identified only one man who was the father of her child. Claimant provided this person's first name, possible last name, age range, and physical description on the record. Claimant also testified that she went to the home where the father used live to locate him, and found the home vacant. Claimant provided the address of the home, as well as the absent father's previous location of employment. Claimant also provided names of two possible relatives of the father, but stated she only knew their names and had never met them.

Under the facts presented, the OCS failed to establish that Claimant did not disclose all known information concerning the father and that she had additional information regarding the father's identity, thereby, making her ineligible for MA and FAP.

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 MA and FAP benefits based on a failure to cooperate 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 MA and FAP cases;

2. Reinstate Claimant's MA case effective July 1, 2014;
3. Issue supplements to Claimant for any MA benefits/coverage that she was entitled to receive but did not from July 1, 2014, ongoing;
4. Recalculate Claimant's FAP budget for July 1, 2014, ongoing, to include her as an eligible group member;
5. Issue supplements to Claimant for any FAP benefits that she was entitled to receive but did not from July 1, 2014, ongoing; and
6. Notify Claimant of its decision in writing.



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

Date Signed: **8/22/2014**

Date Mailed: **8/22/2014**

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.

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:

