

**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.: 14-018386
Issue No.: 1000; 2011; 3011; 6011
Case No.: ██████████
Hearing Date: February 11, 2015
County: Macomb-District 20

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 February 11, 2014, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████ ██████████, Hearing Facilitator, and ██████████, Lead Specialist with the Office of Child Support (OCS).

ISSUE

Did the Department properly deny Claimant's applications for Medical Assistance (MA), Food Assistance Program (FAP), and Child Development and Care (CDC) benefits?

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 has a minor child.
2. On December 16, 2013, OCS found Claimant in noncompliance with her child support reporting obligations.
3. In November 2014, Claimant applied for FAP, MA, CDC, and Family Independence Program (FIP) benefits.
4. The Department denied Claimant's application for FAP, CDC and FIP and for MA for Claimant but approved the application for MA for the child.

5. On December 2, 2014, Claimant filed a request for hearing disputing the Department's actions concerning her FAP, MA, CDC, and FIP application.

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.

As a preliminary matter, it is noted that Claimant testified at the hearing that she no longer wished to pursue a hearing with respect to her FIP application and agreed to dismiss her hearing request concerning FIP. The hearing proceeded to address Claimant's FAP, MA and CDC issues.

The Department did not provide any documentation in support of its case, including the applicable Notice of Case Action concerning the programs at issue, and was unable to provide any testimony concerning the status of Claimant's cases or applications. This was despite the fact that Claimant's December 2, 2014, request for hearing was previously scheduled for hearing on January 22, 2014, and the ALJ presiding over the hearing concluded that the Department had failed to present adequate information in

order to allow the issuance of a valid decision and ordered the Department to prepare and deliver to each party a hearing packet in compliance with BAM 600. Based on Claimant's testimony, which the Department was unable to counter, Claimant applied for CDC, MA, FIP and FAP benefits in November 2014 and was denied.

At the hearing, the Department did not have the December 19, 2014, hearing summary it initially prepared in response to Claimant's December 2, 2014 request for hearing. Although that hearing summary indicated that Claimant's case had closed in error, at the hearing, the Department had OCS testify to the fact that Claimant was in noncompliance with her child support reporting obligations. Presumably, Claimant's application for FAP, CDC and MA for Claimant was denied based on the child support noncompliance.

As a condition of FAP, MA, and CDC income-based 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 (October 2014), p. 1. Cooperation includes providing all known information about the absent parent. BEM 255, p. 9. A client who fails without good cause to cooperate with her child support reporting obligations is ineligible for CDC benefits based on income-eligibility. BEM 255, p. 13. Further, clients who do not cooperate with their child support reporting obligations are disqualified members of their FAP and MA groups. BEM 212 (July 2014), p. 8; BEM 255, p. 13.

At the hearing, OCS testified that it had placed Claimant in noncompliance with her child support reporting obligations on December 23, 2013. OCS explained that Claimant had called OCS in response to contact letters sent to her on November 9, 2013 and November 27, 2013 on several occasions, but she was unable to provide identifiable, verifiable information concerning her child's father. OCS noted that Claimant provided inconsistent information concerning the father's name, his military status, and his home state and that the two cell phone numbers she provided for him did not produce any information. In response, Claimant testified that she had been duped by the child's father, explaining that she had been with him for seven months but he had lied about his name and his occupation. She explained that she had provided OCS with seemingly inconsistent information because she was trying to obtain information any way she could, even creating a fake Facebook page with his photograph in order to get the mother of his other children to engage in conversation, and she provided OCS with all the information she was able to obtain with the hope that some of the information would lead to finding the child's father.

Based on Claimant's credible testimony, it is found that Claimant provided all known information concerning the child's father to OCS. Therefore, to the extent the Department denied Claimant's application for FAP, CDC and MA due to child support noncooperation, the Department did not act in accordance with Department policy.

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 did not act in accordance with Department policy when it denied Claimant November 2014 FAP, MA and CDC application.

DECISION AND ORDER

Claimant's hearing request concerning the FIP application is **DISMISSED**.

The Department's FAP, MA and CDC 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 OCS sanction applied to Claimant's case on or about December 16, 2013;
2. Reregister and reprocess Claimant's November 2014 application;
3. Issue supplements to Claimant for any FAP, MA and CDC benefits she was eligible to receive but did not from November 2014 ongoing; and
4. Notify Claimant in writing of its decision.



Alice C. Elkin
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **2/19/2015**

Date Mailed: **2/19/2015**

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 48909-8139

CC:

[REDACTED]