

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

IN THE MATTER OF:

[REDACTED]
[REDACTED]
[REDACTED]

Reg. No.: 2014-14632
Issue No.: 1011, 2011, 3011
Case No.: [REDACTED]
Hearing Date: December 19, 2013
County: Wayne (49)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, December 19, 2013. Claimant appeared and testified. Participating on behalf of Department of Human Services ("Department") was Alaina Darget and Tresna Tupper.

ISSUES

Whether the Department properly denied Claimant's October 2013, application for cash assistance (FIP), medical assistance (MA), and food assistance (FAP) program 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 submitted an application for FIP, MA, and FAP benefits in mid-October 2013.
2. On October 16, 2013, the Department sent a Verification Checklist to Claimant, requesting in part, she contact the Office of Child Support (OCS) and comply with the requirements, by October 28, 2013. (Exhibit 1)
3. Claimant did not contact OCS nor was anything submitted establishing compliance with the OCS.

4. On November 8, 2013, the Department sent a Notice of Case Action (NOCA) to Claimant informing her that the request for FIP and FAP benefits were denied. (Exhibit 2)
5. On November 25, 2013, the Department received Claimant's written request for hearing. (Exhibit 3)
6. On this date, Claimant also submitted a letter from the Friend of the Court.
7. On November 25th, the OCS issued a Notice of Title IV-D Support Case Action which provided that Claimant's child support case would remain open. (Claimant Exhibit A)

CONCLUSIONS OF LAW

As a preliminary matter, Claimant requested a hearing regarding the denial of FIP, MA, FAP, and Child Development & Care (CDC) benefits. During the hearing, Claimant confirmed that CDC was resolved and thus, not at issue. Accordingly, Claimant's request for hearing regarding CDC benefits is DISMISSED.

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10 and 400.57a and Mich Admin Code, R 400.3101 to .3131.

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 271.1 to 285.5. The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10 and Mich Admin Code, R 400.3001 to .3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act, 42 USC 1396-1396w-5, and is implemented by 42 CFR 400.200 to 1008.59. The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10 and MCL 400.105.

Verification means documentation or other evidence to establish the accuracy of verbal or written statements. BAM 130 (July 2013), p. 1. Verification is usually required at application/redetermination and for a reported change affecting eligibility or benefit level. BAM 130, p. 1. Clients are allowed 10 days, (or other time limit specified in policy) to provide the requested verifications. BAM 130, p. 5.

Parents have a responsibility to meet their children's needs by providing support and/or cooperating with the department including the Office of Child Support (OCS), the Friend of the Court, and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. BEM 255 (October 2013), p. 1. For FIP, MA, and FAP purposes, cooperation with the OCS is a condition of eligibility. BEM 255, p. 9. The head of household and the parent 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, p. 1.

In this case, the Claimant applied for FIP, MA, and FAP benefits. In response, a Verification Checklist (VCL) was provided to Claimant with a due date of October 28, 2013. The VCL instructed Claimant to contact the OCS to comply with the child support requirements. Claimant acknowledged she received the VCL, but testified she did not contact OCS or submit anything showing compliance until November 25, 2013, almost a month after VCL due date. The Department sent a NOCA to Claimant on November 8, 2013, notifying her the October 2013, application was denied based on Claimant failure to comply with the child support requirements. In light of the foregoing, the Department established it acted in accordance with policy when it denied Claimant's October 2013, application based on Claimant's failure to timely contact and/or submit documentation establishing compliance with OCS. Accordingly, the Department's actions are upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department has acted in accordance with Department policy while it denied Claimant's October 2013, application.

Accordingly, it is ORDERED:

The Department's denial of the October 2013, application is AFFIRMED.



Colleen M. Mamelka
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 7, 2014

Date Mailed: January 7, 2014

NOTICE OF APPEAL: The claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely Request for Rehearing or Reconsideration was

made, within 30 days of the receipt date of the Decision and Order of Reconsideration or Rehearing Decision.

Michigan Administrative Hearing System (MAHS) 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. MAHS 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 (60 days for FAP cases).

A Request for Rehearing or Reconsideration may be granted 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 Department, AHR or the claimant 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 the hearing decision is mailed.

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

CMM/tm

cc:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]