

**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.: 14-019336
Issue No.: 2011; 3011
Case No.: ██████████
Hearing Date: February 11, 2015
County: Wayne-District 17

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 February 11, 2015, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist and ██████████, Lead Worker for the Office of Child Support (OCS).

ISSUE

Did the Department properly determine that Claimant was ineligible for Food Assistance Program (FAP) and Medical Assistance (MA) 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. In November 2014, Claimant submitted an application for FAP and MA benefits.
2. On November 24, 2014, the Department sent Claimant a Health Care Coverage Determination Notice informing her that effective October 1, 2014, her application was denied and that she was ineligible for MA benefits on the basis that she failed to cooperate with child support requirements. (Exhibit 1)
3. On December 8, 2014, the Department sent Claimant a Notice of Case Action informing her that her son was approved for FAP benefits but that she was

disqualified/ ineligible for FAP benefits on the basis that she failed to cooperate with child support requirements. (Exhibit 2)

4. On December 19, 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 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 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. At application, the client has ten days to cooperate with the OCS. The Department will inform the client to contact the OCS by sending a verification checklist (VCL). A disqualification will be imposed at application if the client fails to cooperate on or before the due date of the VCL and the criteria found in BEM 255 is not

met. BEM 255, p. 11-12. 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, the Department testified that after processing Claimant's MA and FAP applications, she was determined ineligible for benefits based on a failure to comply with child support requirements. The Department failed to present any evidence that Claimant was given an opportunity to comply at application, as required by policy and did not establish that a VCL was sent instructing her to contact OCS. The Department testified that because Claimant was found to be in noncooperation with child support requirements in April 2012, she was ineligible for FAP and MA at the time of the November 2014 applications.

The OCS representative testified that there were no contact letters sent to Claimant in 2014 in connection with the application, but that contact letters were sent to Claimant on January 10, 2011, and September 19, 2011, informing her to contact OCS and provide information concerning the noncustodial father of her child, C.S. (Exhibit 3, p. 1). The OCS representative stated that a Noncooperation Notice was sent to Claimant on April 28, 2012. (Exhibit 3, p. 2). The OCS representative further stated that although Claimant contacted OCS in April 2014 and October 2014, the information provided by Claimant was insufficient to find her in cooperation with child support requirements.

At the hearing, Claimant testified that her child was conceived in [REDACTED] and that during this time, she had multiple sexual partners, as she was young and would frequently go to various bars and clubs to party. Claimant testified that because all of the interactions were one night stands, she did not have any identifying information on any of the men she was with, as she was often drunk.

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 MA and FAP 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 MA and FAP 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 sanction placed on Claimant's MA and FAP cases;
2. Register and process Claimant's MA application to determine her eligibility for MA from the application date, ongoing;
3. Issue supplements to Claimant for any MA benefits/coverage that she was entitled to receive but did not from the application date, ongoing;
4. Recalculate Claimant's FAP budget for November 2014, ongoing, to include her as an eligible group member;
5. Issue supplements to Claimant for FAP benefits from November 2014, ongoing; and
6. Notify Claimant of its decision in writing.



Zainab Baydoun
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

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

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

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:

