

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 15-001135
Issue No.: 2001
Case No.: [REDACTED]
Hearing Date: February 25, 2015
County: Jackson

ADMINISTRATIVE LAW JUDGE: Vicki Armstrong

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, an in-person hearing was held on February 25, 2015, from Jackson, Michigan. [REDACTED] of [REDACTED] represented Claimant. Claimant was not present. Participants on behalf of the Department of Human Services (Department) included Family Independence Manager [REDACTED] and Eligibility Specialist [REDACTED].

ISSUE

Did the Department properly deny Claimant's Retro-Medical Assistance application for failure to cooperate with the Office of Child Support?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On September 12, 2013, Claimant applied for Medical Assistance and Retro-Medical Assistance to August, 2013.
2. On September 25, 2013, the Department notified Claimant and Claimant's Authorized Hearing Representative of the denial of Claimant's Medical Assistance/Retro-Medical Assistance application due to non-compliance with the Office of Child Support.
3. On October 14, 2013, Claimant cooperated with the Office of Child Support.

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 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 first issue is timeliness of the request for hearing. The notice of case action was mailed on 9/25/2013, denying Claimant's application for MA/Retro-MA. Claimants have 90 days from the date of denial to request a hearing. The request for hearing was filed on January 28, 2015, more than 90 days after the denial. Claimant submitted a copy of a Benefit Notice dated 11/18/2014, to support the contention that the request for hearing was timely. The Benefit Notice was unsigned and indicated Claimant was not eligible for MA in August, 2013. The Department did not have a copy of the Benefit Notice in its file. Assuming *arguendo* that the Benefit Notice was proper, the hearing went forward.

At application, client has 10 days to cooperate with the OCS. Bridges informs the client to contact the OCS in the verification check list (VCL). The disqualification is imposed if client fails to cooperate on or before the VCL due date when all of the following are true:

- There is a begin date of non-cooperation in the absent parent logical unit of work.
- There is **not** a subsequent comply date.
- Support/paternity action is still a factor in the child's eligibility.
- Good cause has not been granted nor is a claim pending; see **Good Cause For Not Cooperating** in this item. BEM 255, pp 11-12 (1/1/2014).

The Department asks a disqualified client at application, redetermination or reinstatement if they are willing to cooperate. A disqualified member may indicate willingness to cooperate at any time. Clients willing to cooperate are immediately informed to contact the primary worker from the CS icon or a support specialist can be reached by calling 1-866-540-0008 or 1-866-661-0005.

Bridges will **not** restore or reopen benefits for a disqualified member until the client cooperates (as recorded on the child support non-cooperation record) or support/paternity action is no longer needed. Bridges will end the non-cooperation record if any of the following exist:

- OCS records the comply date.
- Support/paternity action is no longer a factor in the client's eligibility (for example, child leaves the group). BEM 255, p 14 (1/1/2014).

Cooperation with the Office of Child Support is a condition of Medical Assistance eligibility. BEM 255, p 9 (1/1/2014). A disqualified member is returned to the eligible group active for program in the month of cooperation. BEM 255, p 15 (1/1/2014).

Claimant requested Retro-MA back to August of 2013. The Department explained that because Claimant did not cooperate with the Office of Child Support until October, 2014, he was only eligible for benefits beginning the month he cooperated.

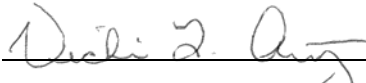
Claimant argued that the Department should have sent out a Verification Checklist when it initially received the application, informing Claimant he had 10 days to contact and cooperate with the Office of Child Support.

In this case, the Department failed to send out the Verification Checklist. However, as discussed at length during the hearing, had Claimant contacted and cooperated with the Office of Child Support even the day after his application, Claimant still would not have been eligible for Retro-MA in August, 2013, because benefits begin the month of cooperation, which in this case would have been September, 2013. When Claimant was asked for a policy cite or any support showing how Claimant could have been eligible in August, 2013, had the Department sent out the Verification Checklist and Claimant cooperated in September, 2013, Claimant had no response.

Therefore, 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 acted in accordance with Department policy when it denied Claimant's MA/Retro-MA application on 9/25/2013.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.



Vicki Armstrong
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/3/2015**

Date Mailed: **3/3/2015**

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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:

