

**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.: 15-002090
Issue No.: 3011, 1011
Case No.: ██████████
Hearing Date: March 16, 2015
County: WAYNE-DISTRICT 76
(GRATIOT/SEVEN M)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 March 16, 2015, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included ██████████, Eligibility Specialist. ██████████, Lead Worker, of the Office of Child Support also appeared

ISSUE

Did the Department properly close the Claimant's Medical Assistance due to child support non-cooperation with the Office of Child Support?

Did the Department properly remove the Claimant from her FAP group due to child support non-cooperation 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. The Claimant applied for FAP benefits and Medical Assistance for herself and her son on January 13, 2015.
2. The Department issued a Notice of Case Action on January 23, 2015 denying the Claimant's FAP application for the Claimant due to the outstanding non-cooperation with Child Support and awarded FAP benefits to Claimant's child effective February 1, 2015. Exhibit B

3. On January 23, 2015 the Department issued a Health Care Coverage Determination Notice indicating the Claimant was ineligible for Medical Assistance effective March 1, 2015 due to her not being disabled, a caretaker of minor child and under 21 or pregnant. Exhibit A The Notice does not state the MA benefits were closed due to non-cooperation.
4. The Office of Child Support sent a Notice of Title IV D Support Case Closure on October 31, 2012. The OCS found Claimant in non-cooperation on October 29, 2012. At the time of the hearing, the Claimant was still considered in non-cooperation by OCS. Exhibit C.
5. The Claimant requested a hearing on February 6, 2015 protesting 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.

As a condition of FAP 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. Clients who fail without good cause to cooperate with child support reporting obligations are ineligible for FIP. BEM 255, p. 12. Further, clients

who do not cooperate with their child support reporting obligations are disqualified members of their FAP groups. BEM 212 (July 2014), p. 8; BEM 255, p. 13.

Additionally, in this case the Office of Child Support (OCS) found the Claimant in non-compliance effective October 29, 2012. The instant case arose when the Claimant applied for Food Assistance and Medical Assistance in January 2015. At that time the Department awarded food assistance to the Claimant for her son and denied the Claimant Medical Assistance due to the outstanding finding of non-cooperation by the OCS.

In this case the Claimant had been contacted by the OCS and did have some conversation, however, could provide only minimal information regarding a person she had sex with 3 or 4 times while attending [REDACTED]. Claimant did not provide any identifying information and stated she could not identify the person or his whereabouts.

The Claimant testified at the hearing that at age [REDACTED] while in college she became pregnant with a young man named [REDACTED]. She had sex with him 3 or 4 times. The Claimant did not know his birth date and stated that she was on birth control at the time. The Claimant described the young man as about 6'1" or 6'2"; his age was between 18 or 19 because he graduated high school one year before her; did not know his last name; and that he went to [REDACTED] in Detroit. She was attending [REDACTED] and the young man attended [REDACTED]. The young man she had sex with was a friend of her roommate's boyfriend at the time. The Claimant left school before the end of the year due to other reasons because she was assaulted in her dormitory.

The Claimant did not attempt at the time of her pregnancy to contact her roommate. The Claimant then moved to [REDACTED] with her grandmother and had her baby. The Claimant does not have contact with the roommate now and all she knew was that she was in the military, based upon recent communications with mutual friends who knew her roommate. The Claimant last attempted to find her former roommate a few months ago. For a while the Claimant was friends on Facebook with her former roommate and did not ask her to identify the young man with whom she had sex, who was a friend of her roommate's boyfriend. The Claimant did contact the OCS but the information she provided did not give OCS enough information to identify or search the individual.. The Claimant also had another man whom she thought might be the father of her son, who was other than the person from college, with whom she was in a relationship at or around the time of her pregnancy. In [REDACTED] this boyfriend was tested for paternity and paternity was not established. The OCS representative testified that in his opinion they had not been provided any information on which to proceed and, therefore, the Claimant must remain in non-cooperation.

The Claimant also advised at the hearing that she had a partner/boyfriend at the time of her pregnancy that she assumed was the father of her child. Ultimately, the Claimant

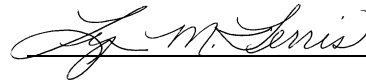
determined that this individual was not the father of her child based upon a genetic test they had performed. At no time was the OCS informed of the identity of this individual so it could make its own determination and investigation. It also appears that the Claimant continues in this relationship. The Claimant did not at any time disclose this person's name and other identifying details to the Office of Child Support throughout the period of the investigation and finding of non-cooperation.

Based on the evidence at the hearing, particularly the fact that Claimant had not identified her boyfriend, or former boyfriend as her child's possible father to OCS so it is appropriate that OCS could properly conclude that Claimant had not provided all known information about the absent parent and taken appropriate actions needed to establish paternity and obtain child support. Therefore, OCS properly placed Claimant in non-compliance with her child support reporting obligations.

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 when it denied Claimant's application for Medical Assistance and awarded the Claimant FAP benefits but excluded Claimant from the FAP group.

DECISION AND ORDER

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



Lynn M. Ferris
Administrative Law Judge
for Nick Lyon, Interim Director
Department of Human Services

Date Signed: **3/25/2015**

Date Mailed: **3/25/2015**

LMF / cl

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.

