



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
Christopher Seppanen
Executive Director

SHELLY EDGERTON
DIRECTOR

[REDACTED]
Date Mailed: December 12, 2016
MAHS Docket No.: 16-016934
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

Following Petitioner'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; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on [REDACTED], from Detroit, Michigan. The Petitioner was represented by herself. A witness, [REDACTED], appeared on behalf of Petitioner. The Department of Health and Human Services (Department) was represented by [REDACTED], Assistance Payments Supervisor; and [REDACTED], Eligibility Specialist. [REDACTED] Lead Worker, Office of Child Support, appeared as a witness.

ISSUE

1. Did the Department properly close the Petitioner's Family Independence Program (FIP) for failure to attend Partnership.Accountability.Training.Hope. (PATH) Orientation?
2. Did the Department properly remove the Petitioner from her Food Assistance Program (FAP) group due to noncooperation with the Office of Child Support (OCS)?
3. Did the Department properly deny/close the Petitioner's Medical Assistance (MA) case?

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 Department presented evidence that as of the hearing, the Petitioner had active Medicaid on Case Number [REDACTED] Based upon her active status, the

Petitioner's hearing request must be dismissed as she currently has benefits for MA on this case number. Exhibits E and F.

2. The Petitioner was placed in noncooperation by the Office of Child Support (OCS) on [REDACTED]. Exhibit H.
3. The OCS sent Petitioner two letters, dated [REDACTED], and [REDACTED], requesting the Petitioner to contact the OCS. Exhibit G.
4. The Petitioner contacted OCS on [REDACTED]. Petitioner also spoke with OCS on [REDACTED]. After the phone calls, OCS found that the Petitioner failed to cooperate as the information Petitioner provided did not assist in identifying the father of Petitioner's child.
5. The Petitioner applied for FIP cash assistance and was sent a PATH Appointment Notice to her correct address on [REDACTED], advising that she report for PATH on [REDACTED]. Exhibit D. The Petitioner did not attend the PATH Orientation as scheduled.
6. The Petitioner was also sent a Family Automated Screening Tool (FAST) mandatory Notice on [REDACTED] requesting that she complete the FAST within 30 days of the Notice. The Petitioner did not complete the FAST. Exhibit C.
7. The Department issued a Notice of Case Action on [REDACTED], closing the Petitioner's FIP cash assistance effective [REDACTED], for failure to attend the Path program orientation and approving FAP, and removed Petitioner from the FAP group finding that the Petitioner was not eligible due to Noncooperation with the Office of Child Support. Exhibit B.
8. The Petitioner requested a timely hearing on [REDACTED], protesting the Department's actions.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. No. 104-193, and 42 USC 601 to 679c. The Department (formerly known as the Department of Human Services) administers FIP pursuant to 45 CFR 233-260, MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3101-.3131.

The Food Assistance Program (FAP) [formerly known as the Food Stamp program] is established by the Food and Nutrition Act of 2008, 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 Department of Human Services) administers FAP pursuant to MCL 400.10, the Social Welfare Act, MCL 400.1-.119b, and Mich Admin Code, R 400.3001-.3011.

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 Department of Human Services) administers the MA program pursuant to 42 CFR 435, MCL 400.10, and MCL 400.105-.112k.

In this case, the Department denied the Petitioner's application for FIP cash assistance due to her failure to attend PATH Program Orientation. The Department sent a PATH Appointment Notice to Petitioner to the correct address. The Petitioner said she did not receive the notice. The proper mailing and addressing of a letter creates a presumption of receipt. That presumption may be rebutted by evidence. *Stacey v Sankovich*, 19 Mich App 638 (1969); *Good v Detroit Automobile Inter-Insurance Exchange*, 67 Mich App 270 (1976). When asked at the hearing whether the Petitioner had problems with her mail in [REDACTED] when the PATH Appointment Notice was sent to her, she said she did not. Thus, under the applicable law referenced above, the Notice of PATH Appointment, having been sent to the correct address is presumed to be received and Petitioner's testimony did not rebut the presumption. Thus, based upon the evidence presented, it is determined that the Department properly denied the Petitioner's application for FIP benefits due to her failure to attend orientation.

The Office of Child Support (OCS) also placed the Petitioner in noncooperation as she did not provide information to the OCS after receiving two letters requesting she contact the OCS. These letters were sent to the Petitioner on [REDACTED], and [REDACTED], [REDACTED] and were not responded to by Petitioner. Exhibit G. Although Petitioner testified that she responded to one of the letters, the OCS had no record of any calls being received, and thus, correctly placed the Petitioner in Noncooperation effective [REDACTED]. Exhibit H. Thereafter, the Petitioner spoke with the OCS on [REDACTED], and did not provide any information. She spoke again to OCS on [REDACTED], and provided a name, [REDACTED] and a birth date for the individual of [REDACTED], as the information she disclosed to OCS regarding the potential father of her child. She also advised OCS caseworker that the father may have had other children and the call ended. The information Petitioner provided at this point did not lead to any useful information, which could be used to identify the father.

At the hearing, the Petitioner also advised that the person identified as [REDACTED] has a [REDACTED] page and gave a cell phone number of [REDACTED] with her hearing request filed on [REDACTED]. This information was **not** given to the OCS during any of the phone conversations between Petitioner and OCS. Petitioner also disclosed at the hearing that she last saw the father when she became pregnant and went into placement as a juvenile. Further, at the hearing, the OCS witness, [REDACTED], advised

the Petitioner that if anyone caused her to fear retaliation to herself or her child for disclosing the father's identity, she could claim good cause. The Petitioner advised that no one had threatened her or placed her in any fear for herself or her child.

The following is the applicable Department policy regarding requirements to be found in cooperation:

Cooperation is a condition of eligibility. The following individuals who receive assistance on behalf of a child are required to cooperate in establishing paternity and obtaining support, unless good cause has been granted or is pending:

- Grantee (head of household) and spouse.
- Specified relative/individual acting as a parent and spouse.
- Parent of the child for whom paternity and/or support action is required.

Cooperation is required in all phases of the process to establish paternity and obtain support. It includes **all** of the following:

- Contacting the support specialist when requested.
- **Providing all known information about the absent parent.**
- Appearing at the office of the prosecuting attorney when requested.
- Taking any actions needed to establish paternity and obtain child support (including but not limited to testifying at hearings or obtaining genetic tests). BEM 255 (April 1, 2015), p. 10.

CDC Income Eligible

- Failure to cooperate without good cause results in ineligibility for CDC. Bridges will close or deny the CDC EDG when a child support non-cooperation record exists and there is no corresponding comply date. BEM 255, p. 13.

FAP Member Disqualification

- FAP

- Failure to cooperate without good cause results in disqualification of the individual who failed to cooperate. The individual and his/her needs are removed from the FAP EDG for a minimum of one month. The remaining eligible group members will receive benefits. BEM 255, p. 14.

After a thorough review of the record, it is determined that the Department properly placed the Petitioner in noncooperation with OCS as she did not disclose to them the [REDACTED] information or the phone number she placed on her hearing request, which demonstrates that the OCS properly found noncooperation. The OCS is required to follow up regarding the phone number provided by Petitioner with her hearing request, and the Petitioner may choose to further advise the OCS about the possible [REDACTED] page for the individual known as [REDACTED] to see if this information will lead to the identification of the potential father of Petitioner's child.

DECISION AND ORDER

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 the Petitioner's FIP cash assistance for failure to attend Path Orientation. The Department further correctly removed the Petitioner from the FAP group due to noncooperation with OCS.

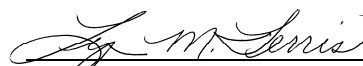
The Petitioner is currently still active for MA; and thus, her request for hearing is DISMISSED as there is nothing further to be decided.

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

The Petitioner's Hearing Request, dated [REDACTED], regarding closure/denial of Petitioner's MA benefits is **HEREBY DISMISSED**.

IT IS SO ORDERED.

LMF/jaf



Lynn M. Ferris

Administrative Law Judge

for Nick Lyon, Director

Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Administrative Hearing System (MAHS).

A party may request a rehearing or reconsideration of this Order if the request is received by MAHS within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MAHS will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MAHS. If submitted by fax, the written request must be faxed to (517) 335-6088; 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

DHHS

[REDACTED]

Department Representative

[REDACTED]

Petitioner

[REDACTED]

Via email

[REDACTED]