



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

SHELLY EDGERTON
DIRECTOR

[REDACTED]

Date Mailed: April 5, 2018
MAHS Docket No.: 18-002200
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Kevin Scully

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. After due notice, telephone hearing was held on March 29, 2018, from [REDACTED] Michigan. Petitioner represented herself. The Department was represented by [REDACTED], Hearing Facilitator, and [REDACTED], Office of Child Support.

ISSUE

Did the Department of Health and Human Services (Department) properly denied Petitioner's application for Medical Assistance (MA) and Food Assistance Program (FAP)?

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 [REDACTED], the Department requested that Petitioner make herself available to be interviewed to assist the Department in its attempts to identify and locate the absent father of her children. Exhibit A, pp 20, 32, 44.
2. On [REDACTED], the Department sent Petitioner another request for her to provide information about the absent parent of her children. Exhibit A, pp 23, 35, 47.
3. On [REDACTED], the Department notified Petitioner that she was considered to be noncooperative with the Office of Child Support. Exhibit A, pp 26, 38, 50.

4. On [REDACTED], the Department received Petitioner's application for MA and FAP benefits.
5. On [REDACTED], the Department sent Petitioner a Verification Checklist (DHS-3503) with a [REDACTED], due date. Exhibit A, pp 3-4.
6. On [REDACTED], the Department received a form from Petitioner's employment records. Exhibit A, p 5.
7. The [REDACTED], employment records show that Petitioner's employment was terminated as of [REDACTED], but the form is not signed by Petitioner's employer or by Petitioner. Exhibit A, pp 5-6.
8. On [REDACTED], the Department received a copy of Petitioner's paycheck dated [REDACTED]. Exhibit A, p 7.
9. On [REDACTED], the Department notified Petitioner that her application for FAP benefits had been denied. Exhibit A, pp 10-14.
10. On [REDACTED], the Department notified Petitioner that her application for MA had been denied. Exhibit A, pp 15-17.
11. On [REDACTED], the Department received Petitioner's request for a hearing protesting the denial of her application for assistance.

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 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.

The Food Assistance Program [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.

Families are strengthened when children's needs are met. 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 (FOC) and the prosecuting attorney to establish paternity and/or obtain support from an absent parent. The custodial parent or alternative caretaker 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. Failure to cooperate without good cause results in disqualification. Disqualification includes member removal, as well as denial or closure of program benefits. Department of Human Services Bridges Eligibility Manual (BEM) 255 (April 1, 2018), pp 1-2.

On [REDACTED], the Department received Petitioner's application for MA and FAP benefits. The Department had already placed a noncooperation sanction of Petitioner's case for failure to cooperate with efforts by the Office of Child Support to identify and locate the absent father of Petitioner's children. Department records indicate that Petitioner failed to make any attempt to respond to the Department's requests for information about the absent parent of her children. Petitioner failed to present any evidence that she responded to the Department's requests for information. Therefore, Petitioner is not eligible for MA and FAP benefits, but is potentially eligible for FAP benefits for her children.

On [REDACTED], the Department requested verification of Petitioner's employment status. Petitioner provided a copy of her employment records. The Department found this document to be insufficient to verify Petitioner's claim of ending employment because the employment records were not signed.

The Department is required to verify employment status by a completed Verification of Employment (DHS-38) or a signed statement providing all necessary information. Department of Health and Human Services Bridges Eligibility Manual (BEM) 501 (July 1, 2017), p 11.

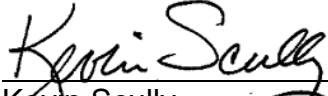
The record evidence supports a finding that the Department was acting in accordance with policy when it determined that Petitioner failed to provide insufficient verification of her ending employment because the DHS-38 was not returned and the employment records statement was not signed.

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 Petitioner's Medical Assistance (MA) and Food Assistance Program (FAP) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/bb



Kevin Scully
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

Department Representative

[REDACTED]

DHHS

[REDACTED]

Petitioner

[REDACTED]