



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN ADMINISTRATIVE HEARING SYSTEM

SHELLY EDGERTON
DIRECTOR



Date Mailed: December 6, 2017
MAHS Docket No.: 17-012511
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 November 7, 2017, from Lansing, Michigan. The Petitioner represented herself. The Department was represented by Brandi Eiland, Assistance Payments Supervisor, and Patricia Bregg, Office of Child Support Lead Worker.

ISSUE

Did the Department of Health and Human Services (Department) properly sanction Petitioner's benefits due to her noncooperation 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 June 26, 2017, the Department requested that Petitioner provide sufficient information to identify and locate the absent parent of her child. Exhibit A, p 17.
2. On July 6, 2017, the Department again requested that Petitioner provide sufficient information to identify and locate the absent parent of her child. Exhibit A, p 20.
3. On July 15, 2017, the Department notified Petitioner that she was considered to be noncooperative with the Office of Child Support. Exhibit A, p 23.
4. On July 17, 2017, the Department notified Petitioner that she was no longer eligible for Child Development and Care (CDC) benefits effective July 23, 2017,

and that she had been disqualified from her Food Assistance Program (FAP) benefit group effective August 1, 2017. Exhibit A, pp 4-8.

5. On July 31, 2017, the Department notified Petitioner that her Medical Assistance (MA) benefits would close effective July 1, 2017. Exhibit A, pp 9-11.
6. On September 18, 2017, the Department received Petitioner's request for a hearing. Exhibit A, p 2.

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 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.

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 Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, 42 USC 601-619, 670-679c, and 1397-1397m-5; the Child Care and Development Block Grant of 1990, PL 101-508, 42 USC 9858 to 9858q; and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, PL 104-193. The program is implemented by 45 CFR 98.1-99.33. The Department administers the program pursuant to MCL 400.10 and provides services to adults and children pursuant to MCL 400.14(1) and Mich Admin Code, R 400.5001-.5020.

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 (January 1, 2017), pp 1-2.

Petitioner was an ongoing recipient of MA, FAP, and CDC benefits when the Department requested that she provide information necessary to identify and locate the absent parent of her child. The Department sent Petitioner requests to participate in interviews and provide all information she has about the absent parent on July 6, 2017, and July 15, 2017. When Petitioner failed to provide the information that was requested, the Department sanctioned her benefits. On July 17, 2017, the Department notified Petitioner that her CDC benefits would close and she would be disqualified from her FAP benefit group reducing it to a group of one. On July 31, 2017, the Department notified Petitioner that her MA benefits would close.

The Office of Child Support worker testified that Petitioner had been interviewed previously but the possible fathers identified had been excluded. Petitioner then failed to provide any additional information about the absent parent in response to the July 6, 2017, and July 15, 2017, requests for information.

The record evidence supports a finding that Petitioner is noncooperative because she failed to continue to work with the Office of Child Support and provide all information she had about the absent parent of her child.

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 closed Petitioner's Child Development and Care (CDC) benefits, disqualified Petitioner from her Food Assistance Program (FAP) benefit group, and closed Petitioner's Medical Assistance (MA) benefits.

DECISION AND ORDER

Accordingly, the Department's decision is AFFIRMED.

KS/nr



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

DHHS

Kim Cates
1399 W. Center Road
Essexville, MI
48732

Bay County DHHS- via electronic mail

BSC2- via electronic mail

L. Brewer-Walraven- via electronic mail

M. Best- via electronic mail

EQAD- via electronic mail

Department Representative

Office of Child Support (OCS)-MDHHS
201 N Washington Square
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48933

Petitioner

