



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED], MI [REDACTED]

Date Mailed: August 6, 2019
MOAHR Docket No.: 19-006855
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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; 42 CFR 438.400 to 438.424; 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 July 30, 2019, from Lansing, Michigan. Petitioner was represented by herself. The Department of Health and Human Services (Department) was represented by Tiffany Heard, Office of Child Support (OCS) Worker, Veronica Rumschlog, Assistance Payments Supervisor, and Melanie Tramper, Assistance Payments Worker.

ISSUE

Did the Department properly determine Petitioner's eligibility for Food Assistance Program (FAP), and Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Petitioner was a recipient of FAP and MA.
2. Petitioner was a recipient of FAP, which requires her to participate with OCS to determine paternity and establish child support pursuant to BEM 255. Department Exhibit 1, pgs. 12a-12b.
3. On October 5, 2016, the OCS sent Petitioner a First Customer Contact Letter indicating that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 13-14.

4. On October 16, 2016, the OCS sent Petitioner a Final Customer Contact Letter indicating that Petitioner had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 15-16.
5. On October 25, 2016, the OCS sent Petitioner a Noncooperation Notice because Petitioner did not respond, and she had 10 days to complete the Online Child Support Response form. Department Exhibit 1, pgs. 17-21.
6. On May 1, 2019, the Department Caseworker sent Petitioner a Semi-Annual Contact Report, DHS-1046, that was due June 1, 2019. Department Exhibit 1, pgs. 22-24.
7. On June 10, 2019, the Department Caseworker sent Petitioner a Notice of Potential Food Assistance (FAP) Closure, DHS-1046-A, effective June 30, 2019, indicating her FAP case will be closed because she has not returned her Semi-Annual Contact form. Department Exhibit 1, pg. 25.
8. On June 18, 2019, the Department Caseworker sent Petitioner a Notice of Case Action, DHS-1605, indicating that she will receive \$7 in FAP benefits on June 18, 2019. Department Exhibit 1, pgs. 26-30.
9. On June 18, 2019, the Department Caseworker sent Petitioner a Health Care Coverage Determination Notice, DHS-1606, indicating that effective August 1, 2019, that her children were eligible for MA with a deductible, but that she was not eligible for MA due to noncompliance with OCS. Department Exhibit 1, pgs. 31-37.
10. On June 24, 2019, the Department received a hearing request from Petitioner, contesting the Department's negative action.

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 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, Petitioner and her family were recipients of FAP and MA. During the hearing, the Department stated that they had made some corrections on her FAP and MA cases based on verifications and Petitioner would be receiving some retroactive benefits, but she was still in noncompliance with OCS and still subject to there sanctions. During the hearing, Petitioner stated that she was not sure about the paternity of her child, but had tried to cooperate with OCS. OCS requested that she do more to establish paternity of talking to friends and using social media.

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 determined Petitioner was in noncooperation with OCS resulting in a decrease in FAP benefits and closure of MA case for Petitioner, but her children are still eligible for MA.

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

CF/hb



Carmen G. Fahie
Administrative Law Judge
for Robert Gordon, 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 Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR 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. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Kimberly Kornoelje
121 Franklin SE
Grand Rapids, MI 49507

Kent County, DHHS

BSC3 via electronic mail

D. Smith via electronic mail

EQADHShearings via electronic mail

M. Holden via electronic mail

D. Sweeney via electronic mail

DHS-OCS via electronic mail

Petitioner

[REDACTED], MI [REDACTED]