



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
DIRECTOR

[REDACTED]
MI [REDACTED]

Date Mailed: May 21, 2024
MOAHR Docket No.: 24-002864
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: L. Alisyn Crawford

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 May 2, 2024. Petitioner was present at the hearing and represented herself. The Department of Health and Human Services (Department) was represented by Princess Ogundipe, Assistance Payments Supervisor.

ISSUE

Did the Department properly close Petitioner's and her son's (Child) case for Medical Assistance (MA) and Food Assistance Program (FAP) state benefit programs for failure to provide social security number (SSN) information and comply with child support requirements?

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] 2023, Petitioner submitted a FAP and MA application where she reported that she and Child were U.S. citizens. (Exhibit A, pp. 1-4). She also confirmed her and Child's citizenship during a September 25, 2023 FAP interview.
2. On September 25, 2023, the Department sent a Verification Checklist (VCL) to Petitioner requesting the submission of Child's SSN to confirm his citizenship and to show compliance with child support requirements. This VCL included a submission due date of October 5, 2023. Petitioner did not provide the Department with the Child's SSN.

3. On October 6, 2023, the Department sent Petitioner a Notice of Case Action (NOCA) informing her that effective October 1, 2023 through October 31, 2023, she was eligible for FAP benefits in the amount of \$291.00 per month with a group size of 1 consisting of Child and excluding Petitioner because she was in noncompliance with child support requirements. (Exhibit A, p. 29). Because the Office of Child Support (OCS) put Petitioner in compliance with child support reporting obligations on October 5, 2024, the NOCA further noted that Petitioner and Child were eligible for FAP benefits from November 1, 2023 through August 31, 2023 in the amount of \$535.00 per month with a group size of two.
4. On December 6, 2023, the Department sent Petitioner a NOCA informing her that her FAP benefit amount would be decreased to \$291 effective January 1, 2024 through August 31, 2024. (Exhibit A, pp. 57-61). The NOCA informed Petitioner that the decrease was due to the removal of Child from the group because of failure to cooperate in obtaining an SSN or showing a social security card for Child. (Exhibit A, p. 58).
5. On December 26, 2023, Petitioner was put back in noncompliance with her child support reporting obligations. (Exhibit A, p. 9).
6. On December 26, 2023, the Department sent Petitioner a NOCA informing her that her FAP case would close effective February 1, 2024 ongoing due to failure to provide requested information. (Exhibit A, pp. 23-27). The NOCA stated that Petitioner was disqualified from the FAP group due to her failure to cooperate with child support requirements, and Child was disqualified from the FAP group due to Petitioner's failure to cooperate in obtaining a SSN or social security card for Child. (Exhibit A, p. 24).
7. On March 18, 2024, Petitioner sent a request for hearing to the Department disputing the Department's determination regarding the Department's request for her Child's SSN. (Exhibit A, pp. 6-8).

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.

Although there was evidence that on February 29, 2024, Petitioner had reapplied for FAP and MA, as well as applied for Family Independence Program (FIP) and Child Development and Care (CDC), the Department had not, as of the date of this hearing, notified Petitioner of its decision. Therefore, the issue presented is limited to the Department's actions closing Petitioner's FAP case effective March 1, 2024 and denying her November 2023 application for MA coverage. See BAM 600 (March 2021), p. 5.

In this case, Petitioner completed an application for FAP benefits and MA coverage on [REDACTED] 2023. The Department determined that Petitioner and Child were not eligible for assistance because Petitioner did not comply with the Department's social security policy and requirements for Child and Petitioner was in noncompliance with her child support reporting obligations. Petitioner disputes the Department's finding that she did not comply with policy concerning providing Child's SSN. Petitioner indicated in her hearing request that she "cannot be denied any benefit for failure to produce and share social security [number] to a non-government agency, especially that of a minor." (Exhibit A, p. 8).

In closing Petitioner's FAP benefits case and denying Petitioner's request for MA coverage, the Department cites to BEM 223, which requires, in relevant part, as a condition of eligibility for all programs other than CDC, that the Department disqualify any family member for whom the head of household refuses to supply an SSN or cooperate in obtaining an SSN. BEM 223 (April 2023), p. 2. Individuals, including individuals being added to an active case, must (1) supply their SSN, (2) cooperate in obtaining an SSN, or (3) be excused from supplying and obtaining an SSN. An individual may be excused from providing an SSN if (i) excused by court order or, (ii) for FAP and MA only, if based on religious grounds (although if an SSN already exists, the Department may use it) or (iii) for MA, if the individual is a non-citizen eligible for Emergency Services Only (ESO) MA who is in the U.S. illegally or in nonimmigrant status. BEM 223 (April 2023), pp. 3-4. Petitioner has no court order excusing her or Child from the SSN requirement. In interviews with the Department, she did not allege a religious reason for refusing to cooperate in providing an SSN for Child, and she did not provide any religious reason for failing to provide an SSN for Child at the hearing. Because there is no evidence, other than Petitioner's argument, that Petitioner and Child are not legally obligated to provide SSN, Petitioner does not satisfy the remaining exception to providing SSN. Thus, pursuant to Department policy, Petitioner was not

excused from providing an SSN for Child, and her failure to do so rendered Child ineligible for the benefits she sought.

Further, Petitioner was excluded from her FAP group and denied MA due to her failure to comply with child support reporting obligations. 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. BEM 255 (January 2024), p. 1. Cooperation is a condition of eligibility for FAP and MA. BEM 255, p. 9.

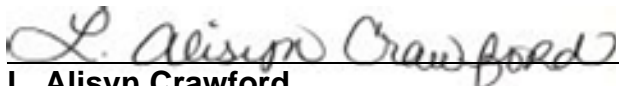
Here, Petitioner did not dispute the OCS finding that she was in noncooperation with her child support reporting obligations. Therefore, she was properly disqualified from her FAP group and denied MA on this basis.

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 FAP case and denied Petitioner's request for MA coverage due to her failure to provide an SSN for Child and comply with child support reporting requirements.

DECISION AND ORDER

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

LC/ml


L. Alisyn Crawford
Administrative Law Judge

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

Via Electronic Mail:

DHHS

Jared Ritch

Oakland County Pontiac-Woodward Dist.

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Interested Parties

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Via First Class Mail:

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[REDACTED]
MI [REDACTED]