

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF: [REDACTED]

Claimant

Reg. No: 2008-32452
Issue No: 1005; 3008; 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 11, 2008
Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; and MCL 400.37 upon claimant's request for a hearing. After due notice, a hearing was held on December 11, 2008. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) case due to a failure to provide information needed to determine eligibility?
- (2) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to a failure to provide information needed to determine eligibility?
- (3) Did the Department of Human Services properly close Claimant's Child Development and Care (CDC) case due to a failure to provide information needed to determine eligibility?

FINDINGS OF FACT

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

(1) On December 6, 2007 Claimant applied for Family Independence Program (FIP) and Food Assistance Program (FAP) benefits. Claimant asserted she was pregnant and lived alone.

█ On January 3, 2008 Claimant had a baby girl. Hospital documents indicate that █

(3) On June 12, 2008 an investigation was started to █ also residing in the home.

(4) On July 9, 2008 Claimant was sent notice that her Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) cases would be closed because she had failed to provide information needed to determine eligibility.

(5) On July 22, 2008 Claimant requested a hearing regarding all three programs.

CONCLUSIONS OF LAW

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) (formerly known as the Food Stamp (FS) program) is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Child Development and Care program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department of Human Services (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

During the hearing, both parties focused on the issue of [REDACTED] with Claimant. That is an important question which would have a significant impact on Claimant's eligibility for assistance. The Department [REDACTED] with Claimant. The Department then closed Claimant's cases based on their assertion that Claimant was sent a Verification Checklist (DHS Form 3503) requesting information about Mr. Greenway and that the information was not provided.

Jurisdiction in an Administrative Hearing on Department of Human Services' actions is strictly limited to the issues raised in the Claimant's request for hearing. In this case, Claimant

submitted the three notices of case action sent to her, stating her cases were closed because she had failed to provide information needed to determine her eligibility. There is no jurisdiction in this hearing to determine [REDACTED] residing with Claimant or whether Claimant committed fraud. The critical issues in this hearing are whether information was requested on [REDACTED] if so was the requested information provided by Claimant. Claimant testified that she never received a Verification Checklist (DHS Form 3503) requesting information about [REDACTED]. The Department did not produce any Verification Checklist (DHS Form 3503) requesting information from Claimant [REDACTED]. [REDACTED] had the phone number on it so she may have spoken to Claimant about it.

The Department has the initial burden of showing that the actions it took were in accordance with Department policy. The evidence presented by the Department does not convince this Administrative Law Judge that Claimant was solicited for specific information [REDACTED].

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services DID NOT properly close Claimant's Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) cases due to a failure to provide information needed to determine eligibility.

It is ORDERED that the actions of the Department of Human Services, in this matter, are REVERSED.

It is FURTHER ORDERED that Claimant's Family Independence Program (FIP), Food Assistance Program (FAP), and Child Development and Care (CDC) cases be reinstated and processed in accordance with Department policy.

/s/ _____
Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 2, 2009

Date Mailed: January 5, 2009

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

GFH

[REDACTED]