

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: 2009-24479
Issue No: 1005, 2018, 3008,
6043

Case No. [REDACTED]
Load No: [REDACTED]
Hearing Date:
July 9, 2009

Oakland County DHS

ADMINISTRATIVE LAW JUDGE: Tyra L. Wright

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 July 9, 2009. The Claimant personally appeared and testified. A family independence manager represented the Department.

ISSUE

Did the Department properly determine to close Claimant's Family Independence Program (FIP), Food Assistance Program (FAP), Child Day Care (CDC) and Medical Assistance (MA) benefits on the grounds that she failed to disclose income received from family members and failed to provide documentation that her husband lives in [REDACTED]?

FINDINGS OF FACT

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

- (1) Claimant is a recipient of FIP, FAP, CDC, and MA benefits.

- (2) Claimant applied for benefits on November 5, 2008 for herself and her two children. Claimant asserted that her husband lives in [REDACTED].
- (3) She claimed to have no income. Claimant's bank records, however, revealed that she received deposits of \$1,100 to \$4,500 each month from November 2008 through April 2009. (See Exhibit 2).
- (4) The Department sent Claimant a Verification Checklist dated May 4, 2009, requesting a variety of information including (a) proof of her husband's "whereabouts" by providing a passport, airline confirmation, or home address, (b) proof of bankruptcy, (c) credit card payments to [REDACTED], and proof of how she pays a monthly mortgage of \$1,567, property taxes, homeowner's insurance, utilities and credit card bills.
- (5) Claimant did not provide proof of her husband's residence nor did she provide to the Department documentation of who deposits into her account several thousand dollars each month.
- (6) Claimant contends that she told the Department that she receives loans from relatives and that the Department did not ask for more information.
- (7) Department received Claimant's hearing request on May 11, 2009. (Exhibit 7 & 8).

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 (formerly known as the Family Independence Agency) 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 (formerly known as the Family Independence Agency) 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 Medical Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. Department policies for FAP and MA 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 Title 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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

**CLIENT OR AUTHORIZED REPRESENTATIVE
RESPONSIBILITIES**

Responsibility to Cooperate All Programs

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. (PAM 105, p. 5)

Refusal to Cooperate Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. (PAM 105, p. 5)

Under PAM 105 “clients must cooperate with the local office in determining initial and ongoing eligibility.” In this case, the Department’s testimony was found to be more credible than Claimant’s testimony, largely because Claimant admitted that she received money from relatives and her bank records establish that thousands of dollars each month are deposited into her bank account which she did not disclose to the Department. In addition, she did not provide the Department with proof of bankruptcy or evidence that her husband lives in [REDACTED] Consequently, the Department properly determined that her FIP, FAP, MA and CDC cases should be closed.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department properly determined to close Claimant’s FIP, FAP, MA and CDC benefit cases for failure to submit the requested documentation.

Accordingly, the Department’s determination is AFFIRMED.

/s/

Tyra L. Wright
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 08/05/09

Date Mailed: 08/06/09

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 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing 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.

TW/dj

cc:

