

[REDACTED]

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.: 2009-2779
Issue No.: 2007/3008/6015
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
February 5, 2009
Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on February 5, 2009. The Claimant personally appeared and testified.

ISSUE

Did the Department properly move to close the Claimant's Medical Assistance (MA), Food Assistance (FAP), and Child Development and Care (CDC)?

FINDINGS OF FACT

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

1. The Claimant is a FAP, MA and CDC recipient.
2. On September 4, 2008, the Claimant submitted various verifications to the Department as part of a re-determination.

3. On September 9, 2008, the Department provided the Claimant with a verification checklist requesting various pieces of information again and an in-person interview on September 18, 2008.
4. The in-person interview took place on September 29, 2008, after the Claimant requested it be rescheduled.
5. The Department initiated negative action on all programs when a verification of employment was returned to the Department as being undeliverable.
6. On October 17, 2008, the Claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 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 (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

contained 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 are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the instant case, the Department provided verification forms after the Claimant had returned completed forms with what the Department testified contained falsified signatures.

The Department began closure of programs when it sent a request for employment verification to the Claimant's employer and it was returned as undeliverable.

The Claimant testified that the private day-care business she was employed by went out of business.

The Department acted on the belief that the Claimant had falsified the documentation provided by the Claimant. I find that there is not clear and convincing evidence that the Claimant misrepresented anything.

Therefore, the Claimant was not in noncompliance. I find the Department's attempt to close the Claimant's MA and FAP to be in error. The CDC closure is not an issue because the Claimant testified that she was no longer working.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, REVERSES AND ORDERS the Department maintain the open status of the Claimant's MA and FAP.

/s/

Michael J. Benmane
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/18/09

Date Mailed: 03/18/09

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 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.

MJB/jlg

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