

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: 2009-4190
Issue No: 1000;2018;
3014;6019

Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 28, 2009
Midland County DHS

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

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 telephone hearing was held on Wednesday, January 28, 2009. The claimant personally appeared and testified on his own behalf.

ISSUE

Did the department properly determine that claimant's eligibility for Family Independence Program (FIP), Medical Assistance (MA), Food Assistance Program (FAP), and Child Daycare Program (CDC)?

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 November 19, 2007, the claimant applied for FIP, MA, FAP, and CDC benefits.

(2) According to the department caseworker during the hearing, daycare was approved from November 27, 2007. (Department Exhibit 3)

(3) During the hearing, the claimant stated that he never received a letter stating that he had been approved for daycare and has been paying for his own daycare.

(4) On October 27, 2008, the claimant applied for FAP, MA, and SER. (Department Exhibit 2)

(5) On November 7, 2008, the department received a hearing request from the claimant, stating that there was a lack of communication between the claimant and his caseworker because he asked for healthcare and daycare assistance and has heard nothing back since last winter.

(6) On December 1, 2008, the department caseworker added the claimant's son to his FAP and MA.

(7) On December 29, 2008, the claimant filed another application.

(8) During the hearing, the department caseworker agreed to do a FAP interview, a CDC application for the mother, and to have the claimant resign his application to apply for FIP once he faxed a copy of his check stubs.

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 State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by final administrative rules filed with the Secretary of State on October 28, 1993. MAC R 400.7001-400.7049. Department of Human Services (DHS or department) policies are found in the State Emergency Relief Manual (SER).

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 (DHS or department) 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).

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)

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).

In this case, the claimant filed many applications for assistance:

- . November 19, 2007 – FIP, MA, FAP, CDC
- . October 27, 2008 – applied for FAP, MA, SER
- . December 19, 2008 – another application filed

The record provided by the department caseworker was incomplete. A copy of the applications submitted, Verification Checklist, any information provided by the claimant, and denial letters were not submitted by the department caseworker. It is the department's responsibility to provide an accurate record of the programs applied for and the department's subsequent actions based on policy.

As a result, this Administrative Law Judge is going to order the department to initiate a redetermination of the claimant's benefits based on his November 19, 2007 application. There was some confusion where the claimant's son was on another MA and FAP case on December 5, 2007. However, the claimant's son was added on October 27, 2008 for FAP and MA. The department is ordered to determine the claimant's eligibility based on his household composition of his son as a member add for FAP, MA, CDC, SER, and FIP based on his October 27, 2008 application.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department was not acting in accordance with department policy when determining the claimant's eligibility for benefits.

Accordingly the department's decision is **REVERSED** and the department is ordered to determine the claimant's eligibility for FIP, FAP, MA, SEV, and CDC benefits based on the claimant's November 19, 2007 application with reimbursement for CDC payments.

/s/ _____
Carmen G. Fahie
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 23, 2009

Date Mailed: March 23, 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 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.

CGF/vmc

cc: 