

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: 2009-5218
Issue No: 3052; 2006; 1022; 6015
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
January 27, 2009
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Jana A. Bachman

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 January 27, 2009.

ISSUE

Whether the Department of Human Services (department) acted in compliance with department policy when it determined claimant's Family Independence Program (FIP), Food Assistance Program (FAP), Medical Assistance (MA), and Child Development and Care (CDC) benefits?

FINDINGS OF FACT

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

(1) September 2008 through November 2008, claimant received FIP, FAP, MA, and CDC from the department. She had reported her husband did not live in the home.

(2) On or about October 2008, it came to the department's attention that claimant's husband may be living in claimant's home. An investigation was begun. As part of the investigation, a home call was made to claimant's home where her husband answered the door and stated that he lived there and had never been absent except to look for work in June 2008. Department A.

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 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).

Department manuals provide the following policy statements and instructions for caseworkers:

Clients must cooperate with the local office in determining initial and ongoing eligibility. This includes completion of necessary forms. See “Refusal to Cooperate Penalties” in this section.

Clients must completely and truthfully answer all questions on forms and in interviews.

Program Administrative Manual (PAM) 105

LEGAL BASE

FIP

P.A. 280 of 1939, as amended
R400.1,.2(1),.6a MAC

CDC

Child Care and Development Block Grant of 1990
45 CFR Parts 98 and 99

Social Security Act, as amended,
Title IV A, IV E, XX

Michigan Administrative Rules,
400.5001 - 400.5015

MA

42 CFR 431, 435
MCL 400.60(2)

FAP

7 CFR 271.6(a)
7 CFR 272.6(a),(b)
7 CFR 273.2(d)
7 CFR 275.12(g)

All Programs

Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements.

Obtain verification when:

- Information regarding an eligibility factor is unclear, inconsistent, incomplete or contradictory. The questionable information might be from the client or a third party.

Use documents, collateral contacts or home calls to verify information.

Before determining eligibility, give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source.

PAM 130

LEGAL BASE

FIP

45 CFR 206.10(a)(2)(ii)
45 CFR 233.10(a)(1)(ii)(B)
MCL 400.37

CDC

Child Care and Development Block Grant of 1990
45 CFR Parts 98 and 99
Social Security Act, as amended, Title IVA (42 USC 601 et. seq.);
Title IVE (42 USC 670 et. seq.); Title XX (42 USC 1397 et. seq.)
R 400.5001 - 400.5015 MAC

MA

42 CFR 435.913(a)
42 CFR 435.916(b)
MCL 400.37

Public Law 109-171

FAP

7 CFR 273.2(f)

In this case, it came to the department's attention that claimant's husband may be living in her home. She had previously reported to the department that he did not live with her. The department conducted an investigation and home call that established the husband likely lived with claimant. Finding of Fact 1-2. The department is not able to determine eligibility lacking knowledge of accurate circumstance and group members. PAM 105, 130. At hearing, claimant credibly testified that she was separated due to domestic violence and had been to court for this reason. However, claimant provided no objective evidence such as a court complaint, court ruling, protective order, or any other document to corroborate her statements. As such, a preponderance of the evidence establishes that claimant's husband resides with her. Accordingly, the department has met its burden of proof and its action must be upheld.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services acted in compliance with department policy

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when it determined her eligibility for Family Independence Program, Medical Assistance, Food Assistance Program, and Child Development and Care benefits.

Accordingly, the department's action is HEREBY UPHeld.

/s/

Jana A. Bachman
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: April 28, 2009

Date Mailed: April 29, 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 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.

JAB/db

cc:

