

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.: 2009-35544
Issue No.: 6021/1005
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
October 21, 2009
Wayne County DHS (73)

ADMINISTRATIVE LAW JUDGE: Aaron McClintic

HEARING DECISION

This matter is before the undersigned Administrative Law Judge upon pursuant to MCL 400. 9; MCL 400.37 upon claimant's request for a hearing. After due notice a telephone hearing was held on October 21, 2009 claimant was present and testified, [REDACTED] FIM and [REDACTED] FIS appeared for the department and testified.

ISSUE

Was the department correct in closing FAP and FIP benefits on June 30, 2009 and has the department properly processed claimant's child day care benefit?

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 was a FAP, FIP and child day care recipient.
- (2) A Verification Checklist and a notice of an annual review interview scheduled for May 15, 2009 was sent to claimant on April 29, 2009.
- (3) Claimant did not appear for the May 15, 2009 annual review meeting.

- (4) Claimant did not receive notice of the annual review meeting.
- (5) On June 30, 2009 the Department closed claimant's FAP and FIP benefits for failing to attend the scheduled redetermination appointment.
- (6) Claimant requested a hearing on August 5, 2009 contesting the closure of FAP, FIP and failure to process child day care.

CONCLUSIONS OF LAW

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 Food Assistance Program, 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"), formally known as the Family Independence Agency, administers the FAP program pursuant to MCL 400.10, *et seq* and MAC R 400.3001-3015. Departmental policies are found in the Program Administrative Manual ("PAM"), the Program Eligibility Manual ("PEM"), and the Program Reference Manual ("PRM").

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 Dependant 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).

Clients must cooperate with the local office in determining initial and ongoing eligibility to provide verification. PAM 130, p. 1. The questionable information might be from the client or a third party. Id. The Department can use documents, collateral contacts or home calls to verify information. Id. The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once. PAM 130, p.4; PEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. PAM 130, p. 4. Before making an eligibility determination, however, the department must give the client a reasonable opportunity to resolve any discrepancy between his statements and information from another source. PAM 130, p. 6.

In the present case, claimant credibly testified that she did not receive notice of the May 15, 2009 interview. Additionally, claimant credibly testified that she attempted to contact her worker on several occasions prior to the closure. Therefore, it was improper for the department to close FIP and FAP benefits on June 30, 2009 for noncooperation.

At hearing claimant credibly testified that she submitted child care provider information and documentation for her sister [REDACTED]. The department failed to present evidence regarding child day care benefits and could not locate the documents submitted by claimant. Therefore, the department shall reinstate and reprocess child day care benefits going back to May 5, 2009, 90 days from the hearing request.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law decides that the department was incorrect in the closure of FIP and FAP benefits, and it is ORDERED that the department's decision in this regard be and is hereby REVERSED. The Administrative Law Judge further finds that the department was incorrect in not processing claimant's child day care benefit and that those benefits shall be reinstated and reprocessed going back to May 5, 2009.



Aaron McClintic
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 11/02/09

Date Mailed: 11/02/09

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.

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