

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: 2010-17185
IssueNo: 1005;2006;
3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 15, 2010
Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 conducted from Detroit, Michigan on March 15, 2010. The Claimant appeared and testified. Janine Parham and Kenyatta Hawthorne appeared on behalf of the Department.

ISSUES

Whether the Department properly closed the Claimant's Family Independence Program ("FIP") benefits, Food Assistance Program ("FAP") benefits, and Medical Assistance ("MA") benefits for failing to complete the redetermination?

FINDINGS OF FACT

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

1. Claimant was an active FAP, FIP, and MA recipient.

2. The Claimant's FIP case was closed on December 1, 2009 due to the claimant not receiving her redetermination because it was sent to the wrong office. See Hearing Summary.
3. The Claimant's MA case was closed on January 1, 2010.
4. The Department, on September 15, 2009, sent a redetermination DHS form 1010 to the Claimant with an appointment for October 2, 2009. Exhibit 1
5. The Department did not have the Claimant's file available during the hearing.
6. The Claimant met with a new DHS worker during October 2009 at the Schoolcraft office for a redetermination review pursuant to the appointment. Exhibit 1
7. At the meeting, the Claimant provided the DHS caseworker the verification information DHS requested including a copy of the claimant's state identification card and social security card and birth certificate of her child and vaccination records.
8. The Claimant did not have a copy of her own birth certificate and advised the worker that she would obtain one from Lansing.
9. The claimant wrote letters to three DHS workers to advise that she had to send for Lansing to obtain a copy of her birth certificate
10. The Claimant did obtain her birth certificate but did not provide it to the DHS office because when she attempted to turn in her birth certificate she was told her case was no longer assigned to the Schoolcraft office.
11. The claimant also showed up for a triage in December at the Schoolcraft office and no one from JET or her caseworker showed up for the meeting. The claimant was told her triage would be rescheduled but was never rescheduled.

12. At the time of the triage, Mrs. Young was the claimant's JET worker and Ms. Thompson was the claimant's caseworker. Ms. Thompson is no longer with the Department.
13. A Notice of Case Action was sent on November 21, 2009 notifying the claimant that her case was scheduled to close. Exhibit 2
14. The Department closed the Claimant's FIP case on December 1, 2009 and the Claimant's MA case for failure to return the redetermination form mailed to her and to attend her redetermination appointment. Exhibit 2
15. During the period of October 13, 2009 through November 7, 2009, the claimant was assigned, by the Department, to three different specialists at two different district offices, Wayne County/Schoolcraft and Wayne County/McNichols. (Exhibits 3, 4 and 5)
16. The Department received Claimant's hearing request on December 3, 2009.

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 Bridges/Program Administrative Manual (BAM/PAM), the Bridges/Program Eligibility Manual (BEM/PEM) and the Reference Tables (RFT).

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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

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 Bridges/Program Administrative Manual (“BAM/PAM”), the Bridges/Program Eligibility Manual (“BEM/PEM”), and the Bridges/Program Reference Manual (“BRM/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.

The Claimant in this matter testified credibly that she attended her redetermination appointment and provided all the requested information except for her birth certificate. She advised the Department, thru written communication to three separate DHS employees knowledgeable about her case, that she would provide her birth certificate when she received it from Lansing. None of this testimony by the claimant was rebutted by the Department nor did the Department have a file to dispute or confirm the communication.

BAM 130 at pages 5 and 6 provides that Claimant's are allowed 10 days to provide requested information and must extend the time for filing if a reasonable effort is made to provide the information. The case should only be placed in negative action when the client refuses to provide the information and has not made a reasonable effort.

The Department closed the claimant's case when she did not return the redetermination form and the requested information. The Department did not submit with its proofs any verification checklists sent to the Claimant which required that information be submitted by the claimant. Perhaps a further indication of confusion is the Department's explanation of why the claimant's case was closed as set forth in its Hearing Summary which provides that the case closed due to customer not receiving redetermination packet while listed in a different DHS office.

Based upon the foregoing, it is found that the Department improperly closed the Claimant's case prematurely and improperly as the claimant did comply with the Department's scheduled redetermination appointment and made a good faith effort to provide the requested information and did not refuse or fail to cooperate and made reasonable efforts. This decision was also influenced, in part, on the fact that multiple caseworkers were assigned to this case within a few months time and the fact that multiple offices were assigned this case which created

confusion as the Department did not have the claimant's file for the hearing. Accordingly, the Department's decision to close the claimant's FIP, FAP and MA cases is hereby REVERSED.

DECISION AND ORDER

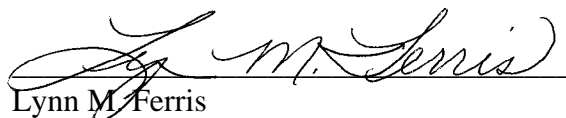
The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department improperly closed the Claimant's FIP, FAP and MA benefits.

Accordingly, it is ORDERED:

The Department is ordered to reopen the claimant's case and reinstate the Claimant's FIP, FAP and MA case benefits retroactive to the date of the closures, December 1, 2009 for FIP and January 1, 2010 for MA.

The Department is required to issue a supplement to the Claimant's FIP and FAP benefits for benefits that she was otherwise entitled to receive.

The Department is ORDERED to complete the redetermination and seek the necessary verifications to fulfill its requirements regarding the claimant's eligibility for FIP, FAP and MA benefits and to assist the claimant as necessary with the verifications and to grant the claimant extensions as requested by the claimant to complete the verification information.



Lynn M. Ferris
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 04/13/10

Date Mailed: 04/16/10

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.

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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.

LMF/dj

cc:

