

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.: 2010-25238
Issue No.: 1038/3022
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
April 8, 2010
Macomb County DHS (12)

ADMINISTRATIVE LAW JUDGE: Christian Gardocki

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon the Claimant's request for a hearing. After due notice, a telephone hearing was conducted from Detroit, Michigan on April 8, 2010. Claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

ISSUE

1. Whether Claimant's Medical Assistance (MA) and Food Assistance Program (FAP) benefits properly closed due to Claimant's failure to submit a Redetermination (DHS-1010).
2. Whether Claimant was properly found to be noncompliant with Jobs, Employment and Training (JET) activities.

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 an ongoing FAP, FIP and MA recipient.
2. Claimant was absent 16 hours from JET in 12/2009.
3. DHS closed Claimant's FIP in 2/2010 based on Claimant's absence from JET in 12/2009.
4. DHS also assessed a FIP noncompliance disqualification against Claimant to begin 3/1/10.
5. Claimant's FAP and MA were scheduled to end 2/28/10.
6. DHS mailed Claimant a DHS-1010 in 1/2010 requesting return of the DHS-1010 and supporting verification of income and changes.
7. Claimant failed to return the DHS-1010 and verifications before 2/28/10.
8. DHS closed Claimant's FAP and MA due to Claimant's failure to submit the DHS-1010 and supporting verifications.
9. Claimant submitted a hearing request on 3/2/10 regarding closure of FAP, MA and FIP.

CONCLUSIONS OF LAW

FIP Benefits

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

Federal and State laws require each work eligible individual in a FIP group to participate in JET or other employment-related activities unless temporarily deferred or engaged in activities

that meet participation requirements. BEM 230A. All work eligible individuals (WEI) who fail, without good cause, to participate in employment or self-sufficiency-related activities will be penalized. BEM 233A. Failure to appear at a JET program results in noncompliance. Id. The penalty for noncompliance without good cause is FIP closure. Id. at 6.

In the present case, DHS established that Claimant was absent 16 hours from JET in 12/2009. Per BEM 230a, a WEI's absence may be excused up to 16 hours in a month. Thus, Claimant was absent from JET for an excusable period of time in 12/2009. It is found that Claimant was compliant with her JET requirements.

Claimant admittedly failed to submit a DHS-1010 by 2/28/10 for recertification of benefits. DHS improperly closed Claimant's FIP benefits in 2/2010. Because DHS improperly closed Claimant's FIP, Claimant had no reason to submit a DHS-1010 by 2/28/10 for recertification. Claimant's initial failure to submit the DHS-1010 shall not affect reinstatement of FIP benefits though DHS may require a DHS-1010, if needed, before FIP benefits are reconsidered.

FAP and MA benefits

The Food Assistance Program (formerly known as the Food Stamp 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 Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (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 Reference Tables Manual (RFT).

BAM 210 outlines the requirements for FAP redeterminations. It reads:

Benefits stop at the end of the benefit period unless a redetermination is completed and a new benefit period is certified. BAM 210 at 2. If the client does not complete the redetermination process, allow the benefit period to expire. The redetermination process begins when the client files a DHS-1171, Assistance Application, DHS-1010, Redetermination, DHS-1171, Filing Form, or DHS-2063B, Food Assistance Benefits Redetermination Filing Record.

In the present case, Claimant acknowledges not submitting any of the above listed documents for redetermination of her FAP and MA benefits which expired on 2/28/10. Claimant responds that because DHS found Claimant noncompliant with JET, Claimant's case would have closed even if a DHS-1010 or other document was submitted. Claimant's argument is not correct. JET noncompliance does not result in closure of FAP or MA. Claimant could have continued her FAP and MA benefits by submitting a DHS-1010. It is found that DHS properly closed Claimant's FAP and MA benefits due to Claimant's failure to submit documents for redetermination of benefits.

DECISION AND ORDER

The actions taken by DHS concerning Claimant's FIP benefits are REVERSED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly closed Claimant's FIP case due to JET noncompliance. It is ordered that

DHS evaluate Claimant's eligibility for FIP benefits from the date of FIP closure. DHS may request a DHS-1010, if necessary, as a condition of FIP reinstatement and provide a due date in compliance with DHS policy. DHS shall also remove any penalty caused by their finding of noncompliance.

The actions taken by DHS concerning Claimant's FAP and MA benefits are AFFIRMED. The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS properly denied redetermination of Claimant's MA and FAP benefits.



Christian Gardocki
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 4/21/2010

Date Mailed: 4/21/2010

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 60 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.

CG/jlg

cc:

