

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.: 2010-19838
Issue No.: 1010, 2018, 3019
Case No.: [REDACTED]
Load No.: [REDACTED]
Hearing Date:
March 15, 2010
Wayne County DHS (57)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to Michigan Compiled Laws (MCL) 400.9 and 400.37 and Claimant's request for a hearing. After due notice, a telephone hearing was conducted on March 15, 2010, from Detroit, Michigan. The Claimant appeared and testified. On behalf of the Department of Human Services (DHS), [REDACTED], [REDACTED], appeared and testified.

ISSUES

1. Whether DHS properly denied Claimant's Family Independence Program (FIP) benefits due to failure to produce verification of employment?
2. Whether DHS properly terminated Claimant's Food Assistance Program (FAP) benefits due to failure to produce verification of employment?
3. Whether DHS properly terminated Claimant's Medical Assistance (MA) program benefits due to failure to produce verification of employment?

FINDINGS OF FACT

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

1. In 2005, Claimant began receiving FAP and MA benefits.
2. In October, 2009, Claimant's earned income decreased due to a reduction in Claimant's hours of work.
3. In October, 2009, Claimant reported the income reduction and provided verification of her reduced income to DHS.
4. On November 2, 2009, Claimant applied for FIP cash assistance benefits.
5. On December 9, 2009, DHS requested income verification for the previous thirty days, i.e., November 9, 2009-December 9, 2009.
6. On or about December 9, 2009, Claimant was denied FIP benefits based on her failure to verify income for the previous thirty days.
7. On or about December 9, 2009, Claimant's FAP and MA benefits were terminated, effective January 1, 2010, based on her failure to verify income for the FIP Application.
8. Claimant requested a hearing by written Notice to DHS on January 27, 2010.

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 United States Code Sec. 601 *et seq.* DHS administers FIP pursuant to MCL 400.10 *et seq.*, and Michigan Administrative Code Rules 400.3101-3131. FIP replaced the Aid to Dependent Children program effective October 1, 1996. DHS policies are found in the Bridges

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

The Food Assistance Program (FAP), formerly known as the Food Stamp program, was established by the Food Stamp Act of 1977 and is implemented by Federal regulations found in Title 7 of the Code of Federal Regulations (CFR). DHS administers FAP pursuant to MCL 400.10 *et seq.* and Michigan Administrative Code Rules 400.3001-3015. DHS policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA or Medicaid) program was established by Title XIX of the Social Security Act and is implemented by CFR Title 42. DHS administers MA pursuant to MCL 400.1 *et seq.*, and MCL 400.105. DHS policies are found in the Bridges Administrative Manual (BAM) and the Bridges Eligibility Manual (BEM).

In this case DHS denied FIP benefits to Claimant and terminated Claimant's FAP and MA benefits due to Claimant's failure to provide income verification for November 9, 2009-December 9, 2009.

BAM Section 105, "Rights and Responsibilities," states that DHS Policy is to "protect client rights." Section 105 states that the "Right to Apply" for all programs means that an application containing the minimum information must be registered on the date it is faxed, mailed or otherwise received. There is no dispute that Claimant filed an Application on November 2, 2009, that this Application contained the minimum information required, and Claimant provided October, 2009, wage information at that time. BAM 105, p. 1.

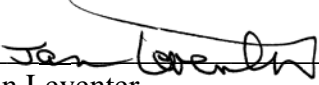
I find that November 2, 2009, is the official date of Claimant's Application and that the employment verification she provided on that date was sufficient verification of her previous

thirty days employment. I conclude as a matter of law that the Claimant's November 2, 2009, Application and verification of employment created a duty that the DHS local office must determine her FIP eligibility as of that date. Claimant is entitled to FIP benefits as of November 2, 2009, based on the verification of employment she provided to DHS on that date.

I conclude that Claimant's FIP Application should be processed and her FIP benefits initiated in an appropriate amount effective November 2, 2009. I find Claimant's FAP and MA benefits were terminated and should be reinstated effective January 1, 2010.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, **ORDERS** as follows: DHS is **REVERSED**. DHS is **ORDERED** to initiate a redetermination of Claimant's eligibility for all three program benefits in accordance with the applicable law and policy, with appropriate FIP benefits effective November 2, 2009 and appropriate FAP and MA benefits effective January 1, 2010.


Jan Leventer
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: March 24, 2010

Date Mailed: March 24, 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 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.

JL/pf

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