

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: 2010-5860
Issue No: 1005; 2006; 3008
Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
December 17, 2009
Kalamazoo County DHS

ADMINISTRATIVE LAW JUDGE: Gary F. Heisler

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 hearing was held on December 17, 2009. Claimant appeared and testified.

ISSUES

- (1) Did the Department of Human Services properly close Claimant's Family Independence Program (FIP) case due to failure to provide required information?
- (2) Did the Department of Human Services properly close Claimant's Medical Assistance (MA) case due to failure to provide required information?
- (3) Did the Department of Human Services properly close Claimant's Food Assistance Program (FAP) case due to failure to provide required information?

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 recipient of Family Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) benefits. Claimant reported her benefit group as herself and her 10 children.

(2) On October 6, 2009, the Department received credible information that another child, [REDACTED] was living in the home. [REDACTED] is the son of [REDACTED] (the father of some of Claimant's children) and another woman. Claimant was sent a Verification Checklist (DHS Form 3503) requesting information about [REDACTED]. The information was due by October 16, 2009.

(3) On October 19, 2009, the Department caseworker received information from the school district that [REDACTED] was registered from Claimant's address and that both Claimant and [REDACTED] had reported living at Claimant's address. Claimant was sent a Notice of Case Action (DHS-1605) stating her cases would be closed.

(4) On October 29, 2009, Claimant submitted a timely request for hearing.

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 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 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).

Claimant does not dispute that [REDACTED] is living in her home or that she did not report him as a member of the benefit group. Claimant testified that [REDACTED] is not her son and she is not requesting benefits for him so she does not feel he should be a part of her case. Claimant does not dispute that [REDACTED] stays at the home part time.

Regardless of whether Claimant specifically requests benefits for [REDACTED], their presence and impact on the home are required to determine Claimant's eligibility for benefits. Claimant's refusal to provide the information put the Department in a position that they could not determine Claimant's eligibility. Department policy provides the following guidance for case workers. The Department's policies are available on the internet through the Department's website.

BAM 105 RIGHTS AND RESPONSIBILITIES

DEPARTMENT POLICY

All Programs

Clients have rights and responsibilities as specified in this item.

The local office must do **all** of the following:

- Determine eligibility.
- Calculate the level of benefits.
- Protect client rights.

CLIENT OR AUTHORIZED

REPRESENTATIVE RESPONSIBILITIES

Responsibility to Cooperate

All Programs

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.

The client might be unable to answer a question about himself or another person whose circumstances must be known. Allow the client at least 10 days (or other timeframe specified in policy) to obtain the needed information.

Clients must also cooperate with local and central office staff during quality control (QC) reviews.

Refusal to Cooperat Penalties

All Programs

Clients who are able but refuse to provide necessary information or take a required action are subject to penalties. Specific penalties are in the applicable BEM and BAM items.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides the Department of Human Services properly closed Claimant's Family

Independence Program (FIP), Medical Assistance (MA), and Food Assistance Program (FAP) cases due to failure to provide required information.

It is ORDERED that the actions of the Department of Human Services, in this matter, are UPHELD.

/s/

Gary F. Heisler
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 5, 2010

Date Mailed: January 6, 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.

GFH 

cc:

