

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: 2010-7180
IssueNo: 2006, 6015,
3008

Case No: [REDACTED]
Load No: [REDACTED]
Hearing Date:
March 24, 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 24, 2010. The Claimant appeared and testified. Marlon Mason, Gwen Davis and Michael Heck, appeared on behalf of the Department.

ISSUES

Whether the Department properly closed the Claimant's Food Assistance ("FAP"), Medical Assistance ("MA") benefits, and Child Development and Care ("CDC") benefits application due to the claimant's non cooperation in providing information for CDC benefits.

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 and MA benefits recipient and had applied for CDC benefits.

2. The Claimant's FAP case was closed by the Department on June 1, 2009, but the claimant did not receive a negative case action due to excess income by notice of May 14, 2009 sent by the Department.
3. The Claimant's Medicaid benefits were closed on May 31, 2009 because the claimant was in non cooperation and a negative case action was sent by the Department on May 14, 2009.
4. The Department's negative action with regard to the Claimant's CDC benefits was reversed as of May 28, 2009.
5. The Department completed a new FAP budget on May 28, 2009, and FAP benefits were resumed for one month and then stopped
6. The Department received Claimant's hearing request on November 18, 2009.

CONCLUSIONS OF LAW

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").

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 Bridges Administrative Manual

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

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 (DHS or department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are contained in the Brides Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Brides Reference Manual (BRM).

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.

Under Bridges Administrative Manual Item 600, clients have the right to contest any agency decision affecting eligibility or benefit levels whenever they believe the decision is illegal. The agency provides an Administrative Hearing to review the decision and determine if it is appropriate. Agency policy includes procedures to meet the minimal requirements for a fair

hearing. Efforts to clarify and resolve the client's concerns start when the agency receives a hearing request and continues through the day of the hearing.

In the present case, the Department has agreed to reinstate and recalculate, retroactive to July 1, 2009 through March 2010, the claimant's FAP benefits based on the income reported by the claimant for the months of July 2009 through March 2010. The Department will run a budget for each month based upon the information it currently has available and shall retroactively issue benefits. The Department has agreed to supplement the claimant for any FAP benefits she was otherwise eligible to receive.

The Department has agreed to reinstate and re-determine the claimant's eligibility for MA benefits retroactive to June 1, 2009 and will recalculate a budget and determine the claimant's eligibility for MA benefits.

The Department has agreed to reinstate and review the Claimant's application for CDC benefits. If the Claimant provides the necessary verification information, as requested by the Department, and the claimant's child care provider is deemed qualified through screening, the Department has agreed to process reimbursement for CDC benefits - if the claimant's is eligible and the provider passes the screening required by Department policy, retroactive to May 28, 2009.

As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing. Since the Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in this case.

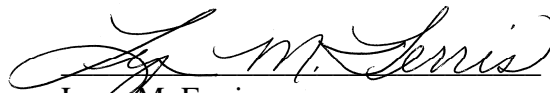
DECISION AND ORDER

The Administrative Law Judge, based upon the findings of fact and conclusions of law, finds that the Department and Claimant have come to a settlement regarding claimant's request

for a hearing.

Accordingly, it is ORDERED:

1. The Department shall reinstate and recalculate, retroactive to July 1, 2009 through March 2010, the claimant's FAP benefits based on the income reported by the claimant for the months of July 2009 through March 2010 . The Department will run a budget for each month based upon the information it currently has available and shall retroactively issue benefits based upon the claimant's eligibility. The Department has agreed to supplement the claimant for any FAP benefits she was otherwise eligible to receive.
2. The Department shall reinstate and re-determine the claimant's eligibility for MA benefits retroactive to June 1, 2009 and will recalculate a budget and determine the claimant's eligibility for MA benefits.
3. The Department shall reinstate and review the Claimant's application for CDC benefits. If the Claimant provides the necessary verification information, if any, and the claimant's provider is deemed qualified through screening, the Department has agreed to process reimbursement for CDC benefits retroactive to May 28, 2009. The Claimant shall be required to submit the required verification information requested by the Department within 10 days unless more time is required and an extension is requested by the Claimant.



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.

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:

