

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:



Reg. No.: 2011-12907  
Issue No.: 6019/2013  
Case No.: [REDACTED]  
Hearing Date: February 16, 2011  
Wayne County DHS (35)

**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 held on February 16, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Manager, and [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly failed to process Claimant's reported reduction of employment income in terminating Claimant's eligibility for Child Development and Care (CDC) and reducing Claimant's eligibility for Medical Assistance (MA) 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 ongoing MA and CDC benefit recipient.
2. Through 12/2010, DHS determined that Claimant was eligible for an unspecified level of CDC benefits and ongoing Medicaid.
3. As part of a redetermination for Food Assistance Program (FAP) benefits, DHS also redetermined Claimant's ongoing eligibility for CDC and MA benefits.
4. Based on income documents obtained for the FAP benefit redetermination, DHS determined that Claimant was not eligible for CDC benefits effective 12/19/10.

5. Based on income documents obtained for the FAP benefit redetermination, DHS determined that Claimant's eligibility for MA benefits would be reduced from ongoing Medicaid to Medicaid subject to a monthly deductible.
6. The DHS determinations of Claimant's CDC and MA benefits were based, in part, on Claimant's employment income from 11/2010.
7. On 12/11/10, Claimant requested a hearing disputing the termination of her CDC and reduction in MA benefits.
8. On 12/16/10, Claimant submitted documents to DHS which reported that Claimant's hours would be reduced to 12-15 hours per week.

### **CONCLUSIONS OF LAW**

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).

MA provides medical assistance to individuals and families who meet financial and nonfinancial eligibility factors. The goal of the MA program is to ensure that essential health care services are made available to those who otherwise would not have financial resources to purchase them.

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 (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

In the present case, Claimant requested a following a termination of CDC benefits and a reduction in MA benefits. Claimant had every right to request a hearing in response to a termination or reduction of benefits. However, Claimant essentially conceded that at the time DHS made the determination, the MA reduction and CDC termination were proper. As Claimant did not dispute the accuracy of the DHS action, there is no need for the undersigned to make findings other than the DHS action reducing Claimant's MA

benefits and terminating CDC benefits was correct. Claimant actually requested a hearing intending to dispute the failure by DHS to redetermine her CDC and MA benefits after reporting a reduction in employment income.

For CDC benefits, income decreases that result in a benefit increase should be processed as soon as possible but no later than to affect the pay period after the pay period the change was reported. BEM 505 at 9. The undersigned was unable to locate change procedure policy concerning income decreases for MA benefits. For both programs, income verification is required prior to processing changes.

All clients have the right to request a hearing. BAM 600 at 1. The circumstances in which a hearing may be granted are: denial of an application and/or supplemental payments, reduction in the amount of program benefits or service, suspension or termination of program benefits or service restrictions under which benefits or services are provided or delay of any action beyond standards of promptness. BAM 600 at 3.

It is known that Claimant verified an employment income reduction on 12/16/10. It is also known that Claimant requested a hearing on 12/11/10. Claimant failed to establish that DHS took any inappropriate action (or inaction) on Claimant's CDC and MA benefits as of the date Claimant submitted her hearing request. DHS could not have failed to process Claimant's verified reduction in employment income as of 12/11/10 (the date of Claimant's hearing request) because Claimant had yet to verify the reduction.

Claimant requested a hearing prior to giving DHS an opportunity to make changes on her CDC and MA benefits so there is no circumstance to grant Claimant a hearing. Clients may not use the administrative hearing process to dispute issues that arise after a hearing request is submitted. Clients may not request hearings to dispute anticipated DHS action or inactions. Accordingly, it is found that Claimant failed to establish a basis to dispute a DHS action based on her hearing request dated 12/11/10. The undersigned makes this finding knowing that Claimant's dispute was ripe as of the hearing date; however, the hearing date is not the standard, the request for hearing date is the standard.

Though Claimant's 12/11/10 hearing request is dismissed, the undersigned does not find that the DHS inaction on Claimant's reported changes was proper. DHS acknowledged that Claimant's reported income decrease was not processed. It is only found that the undersigned lacks jurisdiction to determine this issue because Claimant requested a hearing prior to the allegedly improper DHS inaction. Claimant may still request a hearing on that issue by following hearing request procedures.

**DECISION AND ORDER**

201112907/CG

The Administrative Law Judge, based on the above findings of fact and conclusions of law finds that, as of 12/11/10, the date of Claimant's hearing request, Claimant failed to establish a circumstance to grant a hearing. Claimant's hearing request is DISMISSED.

*Christian Gardocki*

---

Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 3/3/2011

Date Mailed: 3/3/2011

**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 of the rehearing decision.

CG/jlg

cc:

