

STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-21810

Issue No. [REDACTED]

Hearing Date:

March 28, 2011

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9; MSA 16.409 and MCL 400.37; MSA 16.437 upon the Claimant's request for a hearing. After due notice a telephone hearing was held on March 28, 2011. The claimant appeared and testified.

ISSUE

Did the Department properly close the claimant's Medical Assistance (MA), remove her from her FAP group thereby decreasing her Food Assistance (FAP), and close her Family Independence Program (FIP)?

FINDINGS OF FACT

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

1. The claimant was a FIP, FAP and MA recipient.
2. On [REDACTED], the department denied the claimant's FIP application.

3. On [REDACTED], the department sent the claimant a notice that her FAP was going to be decreased because of an increase in income.
4. On [REDACTED], the department sent the claimant a notice that her FAP would increase due to a reduction of income. On this same notice the department notified the claimant that she was not eligible for FAP herself due to noncooperation with the Office of Child Support (OCS).
5. On [REDACTED] the department sent a notice that her MA application had been denied for noncooperation with the Office of Child Support (OCS).
6. On [REDACTED], the claimant filed a request for a hearing.

CONCLUSIONS OF LAW

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 (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 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 (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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

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 Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

DEPARTMENT PHILOSOPHY

FIP

DHS requires clients to participate in employment and self-sufficiency-related activities and to accept employment when offered. Our focus is to assist clients in removing barriers so they can participate in activities which lead to self-sufficiency. However, there are consequences for a client who refuses to participate, without good cause.

The goal of the FIP penalty policy is to obtain client compliance with appropriate work and/or self-sufficiency related assignments and to ensure that barriers to such compliance have been identified and removed. The goal is to bring the client into compliance.

Noncompliance may be an indicator of possible disabilities. Consider further exploration of any barriers. (BEM 233A, p. 1).

In the instant case, the department moved to close the claimant's FIP, and this action was taken beyond the ninety day window to challenge a department action.

Deadlines for Requesting a Hearing

All Programs

The client or authorized hearing representative has 90 calendar days from the date of the written notice of case action to request a hearing. The request must be received anywhere in DHS within the 90 days. (BAM 600, p. 4).

Since the hearing request was filed well past the negative action taken by denying the claimant's FIP, that action is not reviewable.

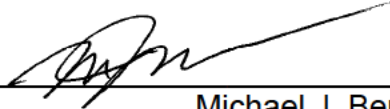
The department also removed the claimant from her FAP group and denied her MA due to noncooperation with the OCS.

At the hearing the claimant testified that she the child she was seeking benefits for was her sister, and that the child's mother was in prison. The claimant further testified that she had supplied the proper authorities all of the information she had concerning the child's father. This ALJ finds this testimony good evidence of the claimant's cooperation with the OCS. It should also be noted that the OCS did not attend the hearing and no evidence was offered other than the original notice by the OCS that the claimant was not cooperating.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, **REVERSES AND ORDERS** the department to retroactively reinstate the claimant as a member of her FAP group and reinstate the claimant's

MA back to the closure date of [REDACTED]; replacing any lost benefits if applicable.



Michael J. Bennane
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: June 3, 2011

Date Mailed: June 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 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 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.

MJB/hw

cc:

