

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201128518
Issue No.: 1005; 2006; 3008
Case No.: [REDACTED]
Hearing Date: May 11, 2011
DHS County: WAYNE

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

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 held on [REDACTED]. Claimant appeared and testified. The Department of Human Services (Department or DHS) was represented by [REDACTED], FIS and [REDACTED], FIM.

ISSUE

Was the Department correct in closing Claimant's Family Independence Program (FIP)) Food Assistance Program (FAP) and Medicaid (MA) cases for failing to cooperate with the Department?

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 FIP, FAP and MA recipient.
2. On [REDACTED] the Department issued to Claimant a Verification Checklist requesting employment information.
3. Claimant personally reported to the Department, and with the assistance of Department worker, contacted Claimant's former place of employment.

4. Claimant's former place of employment faxed the requested information to the Department.
5. The Department closed Claimant's FIP and FAP cases, effective [REDACTED], due to failure to verify necessary information.
6. Claimant requested a hearing, protesting the closure.
7. At the hearing, the Department stated that Claimant was currently qualified for Medicaid with the Transitional Medical Assistance (TMA) program, effective April 1, 2011.

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 (formerly known as the Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Food Assistance Program (FAP) 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 administers the FAP program pursuant to MCL 400.10, *et seq.* and MAC R 400.3001-3015. Departmental policies are found in BAM, BEM and PRM.

The Medical Assistance (MA) program is established by the 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 Program Reference Manual (PRM).

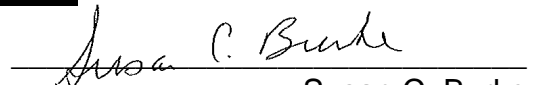
Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *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 the information should be extended at least once. BAM

130. 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. BAM 130.

In the present case, Claimant testified credibly that she did receive the verification checklist, and that she went to the Department office, and with the assistance of a Department worker, obtained the requested verification from her former employer. In addition, Claimant has attempted to contact the Department by phone without her phone calls being returned. The Department did not dispute this testimony. Based on the above discussion, I find that Claimant did not fail to cooperate with the Department, and the Department was therefore not correct in closing Claimant's cases due to failure to cooperate with the Department. In addition, the Department testified that Claimant's TMA case was authorized and in effect as of [REDACTED]

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that the Department's decision to close Claimant's FIP and FAP cases for failing to cooperate was incorrect and, therefore, it is ORDERED that the Department's decision is REVERSED. It is further ORDERED that Claimant's FIP and FAP cases shall be reinstated effective [REDACTED], if Claimant otherwise qualifies, and all missed benefits shall be made in the form of supplemental payments. It is further ORDERED that Claimant's TMA case shall be effective [REDACTED].



Susan C. Burke
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: May 23, 2011

Date Mailed: May 23, 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 of the rehearing decision.

SCB/hw

cc:

