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

#### IN THE MATTER OF:



Reg. No.: 2011-30449 Issue No.: 2007 Case No.: Hearing Date: July 27, 2011 Kalamazoo County DHS

#### ADMINISTRATIVE LAW JUDGE: Michael J. Bennane

## HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Ju Iy 27, 2011. Claim ant was represented by his authorized representative, Other participants were

## <u>ISSUE</u>

Did the Department of Human Se rvices (Department) properly 🖾 deny Close Claimant's Family Independence Program (FIP) Food Assistance Program (FAP) Medical Assistance (MA) Adult Medical Assi stance (AMP) State Disab ility Assistance (SDA) Child Development and Care (CDC) application case due to a failure to comply with the verification requirements?

# FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantia I evidence on the whole record, including testimony of witnesses finds as material fact:

- 1. Cla imant 🛛 applied for 🗌 was receiving: 🔄 FIP 🔤 FAP 🖾 MA 🔤 SDA 🔤 CDC.
- 2. Claimant was prov ided with a Verifica tion Checklis t (DHS -3503), requesting verification of the following medical records by June 22, 2010.
- 3. On January 8, 2011, the Department ⊠denied ⊡closed Claimant's ⊠ application ⊡case for failure to submit verifica tion of medical records in a timely manner.
- 4. On January 8, 2011, the D epartment sent notice of the ⊠denial ⊡closure of Claimant's ⊠application ⊡case.

5. On March 31, 2011, Claimant fi led a hearing request, protesting the ⊠denial □ closure of the ⊠application □case.

# CONCLUSIONS OF LAW

☐ The Family Independence Pr ogram (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public L aw 104-193, 42 USC 601, *et seq*. The Department (formerly known as t he Family Independence Agency) administers the FIP program pursuant to MCL 400.10, *et seq*., and 1997 AACS R 400.3101-31 31. The FIP program replaced the Aid to Depen dent Children (ADC) program effecti ve October 1, 1996. Department polic ies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

☐ The Food Assistance Program (FAP) [forme rly known as the Food Stamp (FS) program] is establis hed by the Food Stamp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers the FAP pr ogram pursuant to MCL 400.10, *et seq*., and 1997 AACS R 400.3001-3015. Department policies are found in the Bridges Ad ministrative Manual (BAM), the Bridges Elig ibility Manual (BEM), and the Reference Tables Manual (RFT).

The Medical Assistance (MA) program is es tablished by the Title XIX of the Social Security Act and is im plemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily 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).

The State Disability Assist ance (SDA) program which provides financial assistance
for disabled persons is established by 2004 PA 344. The Depart ment (formerly known
as the F amily Independence Agency) admini sters the SDA program pursuant to M CL
400.10, et seq., and 1998-2000 AACS R 4 00.3151-400.3180. Department policies are
found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM),
and the Reference Tables Manual (RFT).

☐ 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 Fede ral Regulations, Parts 98 and 99. T he Department provides servic es to adult s and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibi lity Manual (BEM), and the Reference Tables Manual (RFT).

Based on the above Findings of Fact, the Administrative Law Judge concludes that the Department  $\Box$  properly  $\boxtimes$  improperly  $\boxtimes$ denied  $\Box$ closed Claimant's  $\boxtimes$  application  $\Box$  case.

## DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, finds that the Department  $\square$ did  $\bowtie$ did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING:

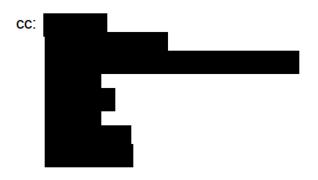
1. Reregister the April 15, 2010 application.

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

Date Signed: July 27, 2011 Date Mailed: July 28, 2011

**NOTICE**: Michigan Administrative Heari ng System may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the mailing date of this Dec ision and Order . MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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.



MJB/cl