

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-32474
Issue No.: 1006; 2006; 3008
Case No.: [REDACTED]
Hearing Date: June 14, 2011
Macomb County DHS

ADMINISTRATIVE LAW JUDGE: Susan 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 June 15, 2011. Claimant appeared and testified. [REDACTED] and [REDACTED] appeared on behalf of the Department of Human Services (Department or DHS).

ISSUE

Was the Department correct in denying closing Claimant's Family Independence Program (FIP), Food Assistance Program (FAP), and Medical Assistance (MA) cases due to refusal 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. The Department issued a Redetermination Form on February 14, 2011 indicating an appointment date for claimant at Claimant's last known address.
3. Claimant was homeless at the time of the issuance of the Redetermination form and attempted to contact the Department regarding her lack of residence.
4. The Department closed Claimant's FIP, FAP and MA cases effective April 1, 2011, due to Claimant failing to verify information.
5. Claimant requested a hearing, protesting the closure of her cases.

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 administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. 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.

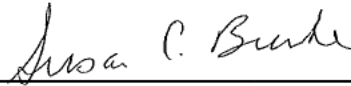
The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *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 105, 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, the Department issued a Notice of Redetermination to Claimant's last known address in February of 2011. Claimant testified credibly that she was homeless during the time period in which the Notice was issued and did not receive the Notice. In addition, Claimant testified credibly that she attempted to contact the Department numerous times, leaving voice mails, indicating that she was homeless, but her phone calls were not returned. Based on the above discussion, I cannot find that Claimant failed to cooperate with the Department, as she did attempt to contact the Department by phone. Therefore, the Department was incorrect in closing Claimant's FIP, FAP and MA cases due to refusal to cooperate with the Department.

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, FAP and MA cases was incorrect, and, therefore, it is ORDERED that its decision is REVERSED. It is further ORDERED that the Department shall reinstate Claimant's FIP, FAP and MA cases effective April 1, 2011, and if Claimant meets eligibility requirements, any missed payments shall be made in the form of a supplement.



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

Date Signed: 6/21/11

Date Mailed: 6/21/11

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.

SB/sm

cc:

