

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-51128
Issue No.: 1002
Case No.: [REDACTED]
Hearing Date: October 3, 2011
County: Wayne County DHS (43)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on October 3, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and [REDACTED], a witness for the Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED], JET Case Manager.

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> Adult Medical Assistance (AMP)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Medical Assistance (MA)? | <input type="checkbox"/> Child Development and Care (CDC)? |

Did the Claimant timely request a hearing regarding the Department's failure to pay her CDC 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 applied for benefits received benefits for:

- Family Independence Program (FIP). Adult Medical Assistance (AMP).

- Food Assistance Program (FAP). State Disability Assistance (SDA).
 Medical Assistance (MA). Child Development and Care (CDC).

2. On 6/30/11, the Department
 denied Claimant's application closed Claimant's case
due to prior 12 month closure for non compliance without good cause imposed by
Notice of Case Action dated 2/17/11.
3. On August 15, 2011 , the Department sent
 Claimant Claimant's Authorized Representative (AR)
notice of the denial. closure.
4. On 8/11/11, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

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 (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1999 AC, Rule 400.3001 through Rule 400.3015.

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.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA

program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, Rule 400.3151 through Rule 400.3180.

The Child Development and Care (CDC) 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 provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, the Claimant's FIP case was closed on 3/1/11 for a 12 month period due to non compliance with work related activities without good cause. Exhibits 1 and 3. The Claimant reapplied for FIP on June 30, 2011 and the application was denied due to the fact that the 12 month sanction was still in effect. When the Department imposed a 12 month sanction and closed the Claimant's case on 3/1/11 for 12 months the Claimant was aware that her cash assistance was closed as of 3/1/11 when her Bridge card no longer worked. Additionally, the Notice of Case Action closing the Claimant's case for a 12 month period was sent to the Claimant's correct address and was received as a matter of law. Exhibit 4. This conclusion is reached due to the fact that a letter properly addressed and sent is presumed to be received by the person to whom it is addressed. The Claimant's testimony did not provide a basis for a finding that the notice was not received. The proper time for challenging the closure of the Claimant's FIP case for non compliance was within 90 days of the notice closing the case. The Claimant must wait 12 months from March 1, 2011 to reapply for cash assistance. The Department properly denied the Claimant's June 30, 2011 FIP application.

The Claimant also sought review of Child Development and Care (CDC) benefits, which were not paid to her provider beginning in November 2010 through February 2011 (11). The Claimant did not request a hearing until August 11, 2011. The client has the right to request a hearing for any action, failure to act or undue delay by DHS ; see BAM 600. 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. In this case the Claimant knew that any failure to act had occurred at least by February 3, 2011, as her hearing request indicates that she listed the end date when CDC benefits were not received as 2/3/11. Based on the record presented, the Claimant had 90 days to request a hearing from 2/3/11 and did not do so. The Claimant's hearing request of August 11, 2011 regarding review of CDC eligibility was not timely.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

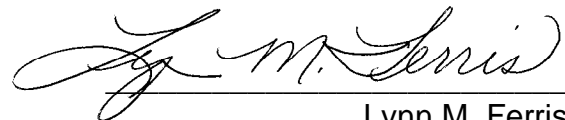
DECISION AND ORDER

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department did act properly. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Claimant's request for hearing as regards her eligibility for CDC benefits is DISMISSED as untimely.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: October 11, 2011

Date Mailed: October 11, 2011

NOTICE: Michigan Administrative Hearing System (MAHS) 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. MAHS 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. (60 days for FAP cases)

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.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that effect the substantial rights of the claimant:
 - the failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at

2011-51128/LMF

Michigan Administrative hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/hw

cc:

