

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

IN THE MATTER OF:



Reg. No.: 201153512
Issue No.: 3008
Case No.:
Hearing Date: October 17, 2011
County: Wayne County DHS (18)

ADMINISTRATIVE LAW JUDGE: Andrea J. Bradley

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 17, 2011, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant, . Participants on behalf of Department of Human Services (Department) included Ken Swiatowski, Family Independence Manager, and Connie Bennet, Eligibility Specialist.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

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

FINDINGS OF FACT

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

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was was not provided with a Semi-Annual Contact Report, which she timely returned to the Department.
3. Claimant was was not provided with a Verification Checklist (DHS-3503).

4. Claimant was required to submit requested verification by September 1, 2011.
5. On October 1, 2011, the Department
 denied Claimant's application
 closed Claimant's case
 reduced Claimant's benefits
 for failure to submit verification in a timely manner.
6. On September 2, 2011, the Department sent notice of the
 denial of Claimant's application.
 closure of Claimant's case.
 reduction of Claimant's benefits.
7. On September 14, 2011, Claimant filed a hearing request, protesting the
 denial. closure. reduction.

CONCLUSIONS OF LAW

Department policies are found 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AAC, 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 Department testified that it based the termination of benefits partially on the Claimant's submission of a deficient Semi-Annual contact report which was timely submitted. The Department contended that this document was deficient because the Claimant failed to indicate whether anyone in the FAP group had a change in income because they changed, started, or stopped a job. The Claimant testified that she did not purposefully omit a response to this particular question and this was a minor oversight. The Department put into question the veracity of the Claimant's testimony because wage match revealed that one person in the FAP group began work and therefore an increase in income occurred that the Department contends should have been reported in the semi-annual contact report.

The Department went on to testify that it also based the termination of benefits on the Claimant's failure to return a verification checklist. The Department testified that there were other changes, and additions in the semi-annual contact report which necessitated a verification checklist be sent to verify the new information. The verification checklist was due back to the Department on September 1, 2011. The Claimant testified that she did not receive the verification checklist in the mail. Upon inquiry regarding mail, the Claimant testified that she received all other documents from the Department but that she had some difficulty with her mail with respect to things being mailed out and for that reason had recently obtained a post office box. The Department testified that it did not receive the verification checklist back at the Department as undeliverable.

With regard to the semi-annual contact report, the Claimant responded to all of the questions with the exception of the question regarding change in income due to starting a job. Notably, someone in the FAP group did start a new job. Moreover, the prior question states "was there a change in gross household income by more than \$100 dollars", to which the Claimant responded no. The evidence and testimony establishes that it is more likely than not that the Claimant was cognizant of the change in income and for that reason omitted a response to that particular question.

With respect to the issue of verification checklist, the Department proved that it sent the verification checklist and under the law there is a presumption of mailing when the mail was not returned as undeliverable. Moreover, the Claimant received documents from the Department before and after the verification checklist as sent and reported having problems only with outgoing mail. To that end, it is more likely than not the verification checklist was properly mailed and not submitted timely to the Department.


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 improperly

- closed Claimant's case.
- denied Claimant's application.
- reduced Claimant's benefits.

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 decision is AFFIRMED REVERSED for the reasons stated on the record.


Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: 10/20/11

Date Mailed: 10/21/11

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

AJB/dj

cc:

