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

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	Reg. No.: Issue No.: Case No.:	201154131 2018
	Hearing Date: County:	November 21, 2011 Oakland (03)
ADMINISTRATIVE LAW JUDGE: Alice C. Elkin	ı	
HEARING DEC	CISION	
This matter is before the undersigned Administrated and MCL 400.37 following Claim ant's request telephone hearing was held on November Participants on behalf of Claimant inclu ded Compartment of Human Serv ices (Depart mandependence Manager.	for a hearing. Afte 21, 2011, from D Claim ant. Partic <u>ip</u>	er due notice, a etroit, Michigan.
<u>ISSUE</u>		
Due to a failure to comply with the ve rificati properly ☐ deny Claimant's application ☒ close benefits for:		
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		Assistance (SDA)? ent and Care (CDC)?
FINDINGS OF	FACT	
The Administrative Law Judge, based upon the evidence on the whole record, including testimon		
1. Cla imant ☐ applied for ☒ was receiving: ☐	FIP □FAP ⊠MA	□SDA □CDC.
2. Cla imant ⊠ was □ was not provided with a	Verification Checkl	ist (DHS-3503).
3. Claimant was required to submit requested ve	erification by Septe	mber 1, 2010.

4.	On November 1, 2010, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits for failure to submit verification in a timely manner.
5.	On October 18, 2010, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
6.	On October 26, 2010, Claimant filed a hearing request, protesting the denial. \boxtimes closure. \square reduction.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly k nown as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 1, 1996.
pro im Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) ogram] is establis hed by the Food St amp Act of 1977, as amend ed, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence elency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
Se Th	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the F amily Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) progr am which provides financial as sistance disabled persons is established by 2004 PA 344. The Depart ment (formerly known the F amily Independence Agency) administ ers the SDA program pursuant to M CL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
	The Child Development and Care (CDC) program is establishhed by Titles IVA, IVE d XX of the Soc ial 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. The Department provides services to adult and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, in this case, the Department sent Claimant a redetermination form (DHS 1010) on August 17, 2010, in connection with her MA programs. Claimant was required to complete the form and submit request ed proofs by September 1, 2010. Claimant failed to do so.

At the hearing, Claimant's counsel cont ended that Claimant failed to submit the completed redetermination by the due date bec ause (i) she was out of the country for two to three weeks during the period at is sue, and (ii) there was a language barrier leading Claimant, whose primary language is Polish, to not understand the nature of the form.

Claimant was sent a redetermination for m on August 17, 2010 with a September 1, 2010 due date. Claimant testified that she was out of the country for two to three weeks in the Summer of 2010 but returned to the United States on August 22, 2010. Because Claimant had returned before the September 1, 2010, due date, she cannot rely on her overseas trip as reason for her failure to complete and return the redetermination in a timely manner.

Claimant also claimed that, because of her limited English, s he did not understand the purpose of the redetermination. The Department has a respons ibility to as sist clients who request assistance, particularly clients who are not fluent in English. BAM 105. However, Claimant admitted that she did not contact the Department, or had anyone on her behalf contact the Department, with respect to the form. Claimant further admitted that she lived in the home with her adult son, who speaks and reads English and who helps her with her paperwork. Because Claimant filed her MA application in 2008 and had previously participated in a redetermination in 2009, she had some familiarity with Department policies and procedures. While Claimant testified that she was confused about the reference to a "hear ing" in the redetermination form, a review of the form shows no such reference. Under the circumstances in this case, the Department acted in accordance with Department policy when it closed Claimant's MA case for failure to return the requested redetermination form.

Based upon the above Findings of Fact and Conclusions of Law, and for the reason stated on the record, the Administrative Law Judge concludes that the Department ☑ properly ☐ improperly	1S
	

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 \infty \text{did act properly.} \text{did not act properly.}
Accordingly, the Depar $$ tment's decision is $$ $$ $$ $$ AFFIRMED $$ $$ $$ REVERSED for the reasons stated above and on the record.
$\hfill \square$ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:
1.

Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: December 8, 2011

Date Mailed: December 8, 2011

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the receipt date of this Dec ision and Orde r. 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. (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 <u>MAY</u> 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.

2011-54131

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

Re consideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

ACE/ctl

CC:
Oakland County DHS (03)

A. Elkin