

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 201139780
Issue No.: 6021
Case No.: [REDACTED]
Hearing Date: August 15, 2011
Wayne County DHS (55)

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 upon the claimant's request for a hearing. After due notice, a telephone hearing was held on August 15, 2011. The claimant appeared and testified. [REDACTED] appeared as the Claimant's Authorized Hearing Representative. [REDACTED], FIS, appeared on behalf of the Department of Human Services.

ISSUE

Whether the Department correctly calculated the need hours for Claimant's Child Development and Care (CDC) benefits.

Whether the Department correctly closed the Claimant's FAP case for failure to return the semi annual report.

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. The Claimant was sent a Semi Annual Contact Report on April 1, 2011 due to be completed and returned by May 31, 2011. Exhibit 1.
2. The Semi Annual Contact Report was sent to [REDACTED].
3. The Claimant was living at the [REDACTED] address in April 2011. The Claimant moved from the [REDACTED] address April 7, 2011.
4. The Claimant filed a shelter verification on May 11, 2011 with her new address.

5. The Claimant could not recall exactly when she filed a change of address by phone with the Department, but she did file a change of address on her new shelter verification form.
6. The Claimant reapplied for FAP June 16, 2011 and did not receive FAP benefits for part of June 2011.
7. The Claimant's CDC case was active as of March 27, 2011.
8. The Claimant attends the Work First Program and is entitled to 50 hours of CDC biweekly.
9. The Claimant's FAP case closed because the Department did not receive the Semi Annual Contact Report.
10. The Claimant did not receive the Semi Annual Contact Report until July 2011.
11. The Claimant requested a hearing on June 15, 2011 protesting the closure of her food assistance and seeking reimbursement for child day care in February 2011, and whether the Department correctly determined her CDC need hours.

CONCLUSIONS OF LAW

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 Federal Regulations, Parts 98 and 99. The Department of Human Services (formerly known as the Family Independence Agency) provides services to adults and children pursuant to MCL 400.14(1) and Michigan Administrative Code Rules R 400.5001-5015. Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

CDC NEED HOURS CALCULATION

The Department determined the Claimant's need hours for CDC benefits based upon her attendance requirements at the Work First Program. The Department correctly determined the Claimant's need hours in accordance with policy based upon 20 hours of work first participation per week and 5 hours travel time per week.

BEM 710, page 1 provides that Child Day Care needs calculation is based on a best estimate of the parent/ substitute parents' work or approved activity schedule. The word of the client is accepted unless inconsistent with know facts. Five hours or more per week travel time may be added to the weekly work or approved activity house. The

weekly result is multiplied by two to convert to biweekly valid need hours. In this case it is found the Department calculation is correct, as it utilized 20 hours per week of Work First participation and 5 hours of travel for a total of 50 hours. (20 X 2 = 40 + 5 travel hours +5 travel hours = 50).

CDC REIMBURSEMENT FOR PROVIDER SERVICES FEBRUARY 2011

The Claimant also sought a hearing regarding the reimbursement for CDC benefits for February 2011. The Claimant had 90 days to request a hearing and did not do so until June 15, 2011. The claimant's hearing request regarding reimbursement for her CDC provider's services in February 2011 is untimely and beyond the 90 day deadline. Therefore hearing request must be dismissed as it was not filed within 90 days. BAM 600 page 4.

FAP BENEFITS

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 of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Department closed the Claimant's FAP case 5/31/11 for failure to return the Semi Annual Contact Report (which was due 5/1/11). The Department correctly sent the Semi Annual Contact Report to the last address of record it had for the Claimant. The Claimant moved from the address where the Semi Annual Report was sent on 4/7/11, and did not receive it. The Claimant filed a shelter verification for her new address before her FAP case closed. The Claimant had an obligation to report her change of address within ten days of becoming aware of the change and should have filed the change of address by April 17, 2011. The change of address was not timely. BAM 105 page 7.

The shelter verification and notice of new address was received by the Department on May 11, 2011. Even though the Department had the correct address prior to case closure the Semi Annual Contact Report was never received by the Department, and thus the Department properly closed the Claimant's FAP case based upon the information it had available to it at the time of the decision. Based on these facts, the Department correctly closed the Claimant's FAP case.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department's determination of 50 hours of CDC bi-weekly was correct and in accordance with Department policy. Its determination regarding CDC hours approved is AFFIRMED.

Based on the findings of fact and conclusions of law, the undersigned finds that the Claimant's hearing request regarding CDC eligibility and reimbursement for payment of CDC services in February 2011 is untimely, and is DISMISSED.

Based on the findings of fact and conclusions of law it is determined that the Department properly closed the Claimant's FAP case as it did not receive the Semi Annual Contact Report.

The Department's determination closing the Claimant's FAP case 5/31/11 is AFFIRMED.



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

Date Signed: September 9, 2011

Date Mailed: September 9, 2011

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 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 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.

LMF/hw

cc:



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