

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

IN THE MATTER OF:



Reg. No.: 201140389
Issue No.: 6021
Case No.:
Hearing Date: October 19, 2011
County: Wayne (43)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 19, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included Jeffrey Mitchell, Family Independence Specialist, and Bedira Bennett-Turner, Accounts Payment Supervisor.

ISSUE

Did the Department fail to process Claimant's application Claimant's case for the following benefits:

- | | |
|---|---|
| <input 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 checked="" type="checkbox"/> Child Development and Care (CDC)? |
| <input type="checkbox"/> State SSI Payments (SSP)? | |

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:

- | | |
|---|---|
| <input 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 checked="" type="checkbox"/> Child Development and Care (CDC). |
| <input type="checkbox"/> State SSI Payments (SSP)? | |

2. The Department did did not process Claimant's application case.
3. On May 16, 2011, Claimant filed a hearing request, contending that the Department had failed to process the application 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 AACS, 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.

The State SSI Payments (SSP) program is established by 20 CFR 416 and the Social Security Act, 616 [42 USC 1382e]. The Department administers the program pursuant to MCL 400.10, *et seq.*

Additionally, Claimant was an ongoing recipient of CDC benefits. In January 2011, Claimant got a new provider for day care services for her children. Claimant credibly testified that her provider has not been paid CDC benefits for the period January 30, 2011 to March 27, 2011.

The Department concedes that Claimant's provider was properly certified and Claimant was entitled to CDC benefits for January 30, 2011 to March 27, 2011, for five of her children: [REDACTED]. The Department attempted to manually issue the CDC payments to Claimant's provider pursuant to a June 24, 2011 Child Development and Care Client Certificate/Notice of Authorization. While the Department believed this Notice had resulted in a manual issuance of benefits and resolved the issue in this case, it produced no evidence that Claimant's provider was paid for the period at issue.

While the Notice of Authorization listed another of Claimant's children, [REDACTED], as an eligible child, the Department acknowledged that, although [REDACTED] was not entitled to benefits because he was more than thirteen years old during the period at issue, the Notice should have listed [REDACTED], who was only ten. Thus, Claimant continued to be eligible for five children, the same number of children as provided in the Notice. Further, although the Notice indicated that [REDACTED] was only entitled to benefits until February 12, 2011, the Department agreed that [REDACTED] should have been covered for the entire period at issue.

At the hearing, Claimant also contended that her granddaughter, [REDACTED], should have been included in her CDC case. However, although [REDACTED] mother (Claimant's daughter) and [REDACTED] lived in Claimant's home for some period of time, [REDACTED] mother is over 18 years old and should be in her own CDC group. BEM 205. Thus, the Department did not err in failing to include [REDACTED] in Claimant's CDC group.

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

did did not properly process Claimant's application case
for: AMP FIP FAP MA SDA CDC SSP.

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 SSP
decision, for the reasons stated above and on the record, is

AFFIRMED

REVERSED

AFFIRMED IN PART with respect to not including [REDACTED] in Claimant's CDC group and REVERSED IN PART with respect to failing to pay Claimant's provider for child care services for [REDACTED] for the period from January 30, 2011 to March 27, 2011.

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

1. Supplement Claimant's provider for CDC benefits for Claimant's five eligible children, [REDACTED] for the period from January 30, 2011 to March 27, 2011, in accordance with Department policy.



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

Date Signed: 10/24/11

Date Mailed: 10/24/11

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

ACE/dj

cc:

