

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-44969
Issue No.: 1005, 2006, 3008
Case No.: [REDACTED]
Hearing Date: September 8, 2011
Wayne County DHS (19)

ADMINISTRATIVE LAW JUDGE: Colleen M. Mamelka

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 conducted from Detroit, Michigan on Thursday, September 8, 2011. The Claimant did not appear; however, her authorized representative appeared and testified on her behalf. [REDACTED] appeared on behalf of the Department of Human Services ("Department").

ISSUE

Whether the Department properly terminated the Claimant's cash assistance ("FIP"), food assistance ("FAP"), and medical assistance ("MA") benefits effective August 1, 2011?

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 a FIP, FAP, and MA recipient.
2. On June 1, 2011, the Department sent the semi-annual review to the Claimant to be submitted by July 1, 2011. (Exhibit 1)
3. On June 24, 2011, the Department received the Claimant's Semi-Annual Contact Report which reported that she was no longer working. (Exhibit 1)

2011-44969/CMM

4. The Claimant's authorized representative mailed a letter from the Claimant's prior employer showing the start and end dates of employment.
5. The Department did not receive the letter.
6. On July 21, 2011, the Department sent a Notice of Case Action to the Claimant informing her that her FIP, FAP, and MA benefits were scheduled for closure effective August 1st based on the failure to submit proof that she was no longer working.
7. In response, the authorized representative mailed another copy of the employer's letter.
8. On July 26, 2011, the Department received the Claimant's timely written request for hearing.

CONCLUSIONS OF LAW

The Family Independence Program ("FIP") was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services, formerly known as the Family Independence Agency, administers the FIP program pursuant to MCL 400.10, *et seq.* and Michigan Administrative Code Rules ("MAC R") 400.31 01-3131. Department policies are found in the Bridges Administrative Manual ("BAM"), the Bridges Eligibility Manual ("BEM"), and the Bridges Reference Tables ("RFT").

The Food Assistance Program ("FAP"), formerly known as the Food Stamp 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. The Department of Human Services administers the FAP program pursuant to MCL 400.10, *et seq.* and MAC R 400.3001-3015. Departmental policies are found in the BAM, BEM, and the RFT.

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. The Department of Human Services administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the BAM, BEM, and the RFT.

Clients must cooperate with the local office in determining initial and ongoing eligibility to include the completion of the necessary forms. BAM 105. Verification means documentation or other evidence to establish the accuracy of the client's verbal or written statements. BAM 130. Verification is obtained when required by policy, required

as a local office option, or information regarding an eligibility factor is unclear, inconsistent, incomplete, or contradictory. BAM 130. Verification is usually required at application/redetermination and for reported change affecting eligibility or benefit level. BAM 130.

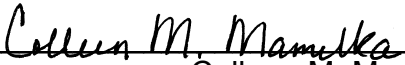
In this case, the Claimant submitted her Semi-Annual Contact Report noting that she was no longer working. As a result, the Claimant was required to provide proof, such as a statement by the previous employer, confirming the employment had ended. The Claimant's authorized representative testified credibly that the statement was obtained and mailed to the Department in a timely manner. The Department denied receipt of the statement and pended the case for closure. Upon receipt of the Notice of Case Action, the authorized representative testified that another copy of the employer's statement was mailed to the Department. The caseworker to whom the statement was mailed did not participate in the hearing process thus it is unclear what happened to the statement. Further, there was no evidence that the Claimant had refused to cooperate. Ultimately, in finding the authorized representative's testimony credible, it is found that the Department's determination is not upheld.

DECISION AND ORDER

The Administrative Law Judge, based on the above findings of fact and conclusions of law, finds that the Department's actions are not upheld.

Accordingly, it is ORDERED:

1. The Department's determination is REVERSED.
2. The Department shall re-open the Claimant's FIP, FAP, and MA benefits from the date of closure and supplement for lost benefits that the Claimant was entitled to receive if otherwise eligible and qualified in accordance with Department policy.
3. The Department shall initiate review of the Semi-Annual Redetermination to include requesting any necessary verifications necessary to determine continued eligibility.



Colleen M. Mamelka
Administrative Law Judge
For Maura Corrigan, Director
Department of Human Services

Date Signed: September 13, 2011

Date Mailed: September 13, 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 mailing 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.

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