

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-51286
Issue No.: 6019
Case No.: [REDACTED]
Hearing Date: November 10, 2011
County: Macomb (12)

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 November 10, 2011, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of Department of Human Services (Department) included [REDACTED] Eligibility Specialist.

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 August 9, 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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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 Annual Admin Code Supp, R 400.3151 through R 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 Mich Admin Code, R 400.5001 through R 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 filed a CDC application on July 20, 2011, and was approved to receive CDC benefits effective July 17, 2011. At the hearing, Claimant contended that she had completed a CDC application in May 2011 and had been approved for CDC benefits beginning in June 2011, but her provider did not receive any CDC payments until July 17, 2011.

The Department initially found no CDC application by Claimant prior to the July 20, 2011, application, but upon further investigation, the Department testified that its records supported Claimant's testimony that she had applied for CDC benefits sometime in May 2011. The Department testified that its correspondence files indicated that a Verification Checklist (VCL) was sent to Claimant requesting certain information by May 24, 2011. On May 26, 2011, a Notice of Case Action was sent to Claimant indicating that her CDC application was denied because she had failed to verify, or allow the Department to verify, certain information. Claimant denied receiving either the VCL or the May 26, 2011, Notice of Case Action. However, she did confirm that the address on the VCL and Notice were both correct and she had received all other documents sent to her by the Department. Although Claimant testified that she had documentation supporting her claim that her May 2011 application had been approved and she was notified that she was to begin receiving CDC benefits beginning June 2011, she did not provide any documentary evidence to support her testimony. The Department testified that it had reviewed its system, Claimant's paper file, and the Department's correspondence file and had not found any notice approving Claimant's CDC application prior to the July 20, 2011, Notice of Case Action. Under these circumstances, there is no evidence supporting Claimant's contention that the Department was required, and had failed, to pay CDC benefits for any period prior to July 17, 2011.

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 _____ and REVERSED IN PART with respect to _____

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 13, 2011

Date Mailed: December 13, 2011

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/ctl

2011-51286

cc:

[REDACTED]

Macomb County DHS (12)

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[REDACTED]

A.
File

Elkin