

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2011-7442
Issue Nos.: 1005, 3008, 6019
Case No.: [REDACTED]
Hearing Date: December 15, 2010
DHS County: Macomb (50-12)

ADMINISTRATIVE LAW JUDGE: Susan C. Burke

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a telephone hearing was held on December 15, 2010. Claimant appeared and testified, and was represented by her father, [REDACTED]. Claimant's mother, [REDACTED], also testified on behalf of Claimant. [REDACTED] appeared on behalf of the Department of Human Services (Department).

ISSUE

Was the Department correct in closing Claimant's Family Independence Program (FIP), Food Assistance Program (FAP) and Child Development Care (CDC) cases for failure to verify information necessary to determine eligibility?

FINDINGS OF FACT

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

1. Claimant was an ongoing FIP, FAP and CDC recipient.
2. Claimant was assigned to the Jobs, Education and Training (JET, also known as Work First) program as part of employment-related activities.
3. The Department mailed to Claimant a QUICK NOTE (DHS-100) on September 28, 2010, stating that the Family Automated Screening Tool (FAST) was to be completed online within ten days of receipt of the letter.

4. The Department also mailed to Claimant a FAST Mandatory Notice (DHS 1536) on September 28, 2010, stating that the FAST must be completed within thirty days (i.e., on or before October 28, 2010).
5. On October 18, 2010, Claimant's cases were closed because of failure to verify information necessary to determine eligibility. Claimant had not yet completed FAST.
6. On November 8, 2010, Claimant requested a hearing, contesting the closure.

CONCLUSIONS OF LAW

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 administers FIP pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Program Reference Manual (PRM).

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 administers FAP pursuant to CML 400.10 *et seq.*, and MAC R 400.3001-3015. Department policies are found in BAM, BEM and PRM.

The 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 MAC R 400.5001-5015. Department policies are contained in BAM, BEM and PRM.

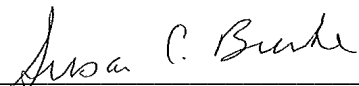
Bridges dictates that before determining eligibility, the client must be given a reasonable opportunity to resolve any discrepancy between her statements and information from another source. BAM 160. To be eligible, a person must be a Michigan resident. BEM 220.

In the present case, the Department issued two notices on September 28, 2010: the QUICK NOTE (DHS-100) (Exhibit 1-a), which had a ten-day deadline to complete FAST and the FAST Mandatory Notice (DHS 1536) (Exhibit L), which had a thirty-day deadline to complete FAST. In resolving the conflicting deadlines in Claimant's favor, Claimant had thirty days from September 28, 2010 (that is, until October 28, 2010) to complete FAST. The thirty-day deadline had not expired before the Department closed Claimant's cases on October 18, 2010. The Department, therefore, did not give Claimant a reasonable opportunity to "resolve any discrepancy between her statements and information from another source." BAM 160. The Department noted in its case action of October 18, 2010, that Claimant's mail had been returned as unable to locate.

However, no policy exists for closure of a case for mail being returned, unless it is otherwise shown that the claimant no longer is a resident of the State of Michigan. BEM 220. Therefore, the Department was incorrect in closing Claimant's cases for failure to verify information necessary to determine eligibility.

DECISION AND ORDER

The Department's decision to close Claimant's cases for failure to verify information necessary to determine eligibility is hereby REVERSED. It is ORDERED that Claimant's FIP, FAP and CDC cases shall be reinstated as of November 1, 2010, if she is otherwise eligible. It is further ORDERED that payments missed shall be issued to Claimant in supplemental form.



Susan C. Burke
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: January 3, 2011

Date Mailed: January 4, 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.

SCB/pf

cc:

