

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.: 2011-7887  
Issue No.: 3022/6019  
Case No.: [REDACTED]  
Hearing Date: January 3, 2011  
Wayne County DHS (76)

**ADMINISTRATIVE LAW JUDGE:** Christian Gardocki

**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 January 3, 2011. The claimant appeared and testified. On behalf of Department of Human Services (DHS), [REDACTED], Specialist, appeared and testified.

**ISSUE**

Whether DHS properly failed to redetermine Claimant's Food Assistance Program (FAP) and Child Development and Care (CDC) benefits due to Claimant's alleged failure to submit redetermination documents.

**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 CDC and FAP benefit recipient.
2. On an unspecified date, Claimant submitted income verifications to DHS.
3. On an unspecified date in 10/2010, Claimant reported a new CDC provider to DHS.
4. DHS considered Claimant's income verifications to be insufficient in some unspecified manner to allow DHS to redetermine Claimant's FAP benefits.
5. On an unspecified date, DHS initiated termination of Claimant's FAP benefits to be effective 10/31/10

6. On an unspecified date, DHS terminated Claimant's CDC benefits due to Claimant's alleged failure to submit a DHS-4025.
7. On 11/17/10, Claimant requested a hearing disputing the CDC and FAP benefit termination.
8. Claimant reapplied for FAP benefits and was approved beginning some unspecified date causing some lapse in FAP benefit coverage since the FAP benefit closure.
9. Claimant reapplied for CDC benefits and was approved for

### **CONCLUSIONS OF LAW**

The Food Assistance Program (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 (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the FAP program pursuant to MCL 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 Reference Tables Manual (RFT). DHS forms are indexed within the Reference Forms and Publications Manual (RFF).

DHS must periodically redetermine an individual's eligibility for benefit programs. BAM 210 at 1. A complete redetermination is required at least every 12 months. *Id.*

The redetermination process begins with DHS mailing a redetermination packet in the month prior to the end of the benefit period. *Id.* at 4. The packet consists of forms and requests for verification that are necessary for DHS to process the redetermination. The forms needed for redetermination may vary though a Redetermination (DHS-1010) is an acceptable review form for all programs.

Income verifications are required at redetermination for FAP and CDC benefits. BEM 500 at 9. The request for income verifications is indicated on the Redetermination form which reads, "Send proof of all income your household received. Send proof of the last 30 days for employment, unemployment, social security benefits, pension etc." RFF 1010 at 1. Generally, DHS is to request and budget non-child support income received in the last 30 days. BEM 505 at 4.

DHS contended that Claimant submitted some check stubs, but the stubs were not usable either because they were out of date or an insufficient number were returned. DHS was not able to locate the case file for the administrative hearing. Thus, DHS was

unable to provide any specific information concerning how Claimant's submission was insufficient.

The undersigned is not inclined to find favorably for DHS on a claim that a submission was insufficient when DHS cannot even locate a case file and provide specific evidence identifying how Claimant's income verification was lacking. It is plausible that DHS properly denied Claimant's redetermination based on Claimant's failure to submit required check stubs; however, DHS testimony devoid of detail is not sufficient to support such a finding. Claimant testified that she timely submitted the requested income verifications to DHS. Claimant actually indicated she submitted the verifications twice though one of the submissions may have occurred following case closure. Claimant's testimony was not particularly convincing as no details were provided concerning what was submitted and when. However, the burden is on DHS to establish a proper benefit termination rather than requiring a client to establish an improper termination; thus, the DHS lack of evidence supporting the FAP termination is more relevant than Claimant's lack of evidence refuting the FAP benefit termination. It is found that DHS improperly failed to redetermine Claimant's FAP benefits effective 10/31/10.

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 MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

DHS testified that Claimant failed to submit sufficient income verifications for CDC benefit redetermination. This issue has already been found favorably for Claimant.

DHS also contended that Claimant failed to submit a Child Development and Care Provider Verification (DHS-4025) for Claimant's CDC provider. The testimony concerning who Claimant reported as her CDC provider was convoluted. DHS and Claimant gave conflicting information as to whether Claimant changed CDC providers prior to her CDC benefit termination or afterwards. Eventually, it was determined that Claimant changed her CDC provider to Gwendolyn Walker prior to her CDC benefit termination.

DHS testified that Claimant failed to submit a Child Development and Care Provider Verification (DHS-4025) concerning Ms. Walker and this resulted in CDC closure. Again, the evidence supporting the DHS contention was lacking. DHS did not provide a Verification Checklist for the request or have a case file to confirm that Claimant did not

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submit the document. Again, as DHS was unable to provide any evidence supporting the benefit termination, it is found that DHS improperly terminated Claimant's CDC benefits.

CDC Providers are eligible for payment starting with the pay period that holds the training date. BEM 704 at 6. Payments for any care provided prior to the training date can not be authorized or paid. *Id.*

DHS also contended that Claimant's CDC provider was not authorized to receive payments for the period which Claimant is seeking CDC payments. Claimant is seeking CDC payments effective 11/07/10. Claimant's provider's CDC training was verified as 7/10/10. Thus, Claimant's CDC provider would be eligible to receive CDC payments for the pay period of 11/07/10 onward as her training was completed months earlier

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, finds that DHS improperly denied Claimant's redetermination for FAP and CDC benefits. It is ordered that DHS supplement Claimant for FAP benefits effective 11/1/10 through the unspecified date that Claimant was reapproved for FAP benefits. It is also ordered that DHS approve CDC payments for Gwendolyn Walker effective 11/7/10 through the unspecified date that Claimant was reapproved for CDC benefits. The actions taken by DHS are REVERSED.



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Christian Gardocki  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: 1/25/2011

Date Mailed: 1/25/2011

**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 60 days of the filing of the original request.

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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.

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