

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.: 2011-8739
Issue Nos.: 2000, 3014, 6000
Case No.: [REDACTED]
Hearing Date: January 6, 2011
DHS County: Oakland (63-02)

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 January 6, 2011. Claimant appeared and testified. The Department of Human Services (Department) was represented by [REDACTED] and [REDACTED].

ISSUE

1. Was the Department correct in denying claimant's Medical Assistance (MA or Medicaid) application of October 1, 2010?
2. Was the Department correct in its determination of the start date for the Child Development Care (CDC) program provider?
3. Was the Department correct in denying claimant's Food Assistance Program (FAP) application of October 1, 2010?

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 applied for CDC, MA and FAP on October 1, 2010.
2. Claimant was approved for MA as of December 2010.
3. Claimant was approved for the CDC benefits as of January 7, 2011.

4. The Department denied Claimant's application for FAP benefits because Claimant is living with her mother and is less than twenty-two years of age.
5. At the hearing, the Department agreed to reinstate Claimant's case for MA retroactive to October 1, 2010, if Claimant is otherwise eligible, upon Claimant's submission of a copy of her current bank checking account statement. In addition, the Department has agreed to reprocess Claimant's request for child care provider payment as of October 1, 2010. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing on these matters.
6. Claimant is twenty-one years of age.
7. Claimant is living in the same household as her mother.
8. Claimant requested to proceed with her November 8, 2010, Request for Hearing on FAP.

CONCLUSIONS OF LAW

MA and CDC

The 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (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.

Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130, p. 1. The questionable information might be from the client or a third party. *Id.* The Department can use documents, collateral contacts or home calls to verify information. *Id.* The client should be allowed 10 calendar days to provide the verification. If the client cannot provide the verification despite a reasonable effort, the time limit to provide should be extended at least once.

BAM 130, p.5; BEM 702. If the client refuses to provide the information or has not made a reasonable effort within the specified time period, then policy directs that a negative action be issued. BAM 130, p. 5.

In the present case, the Department has agreed to reinstate Claimant's case for MA retroactive to October 1, 2010, if she is otherwise eligible, upon her submission of a copy of her current bank checking account statement. In addition, the Department has agreed to reprocess Claimant's request for child care provider payment as of October 1, 2010. As a result of this agreement, Claimant indicated she no longer wished to proceed with the hearing on these matters. Since Claimant and the Department have come to an agreement, it is unnecessary for this Administrative Law Judge to make a decision regarding the facts and issues in the matters of MA and CDC.

FAP

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.

BEM 212 dictates that, "Parents and children under 22 years of age who live together must be in the same group regardless of whether the child has his/her own spouse or child who lives with the group."

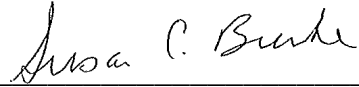
In the present case, Claimant testified that she was born on [REDACTED], and that she is living in the same house as her mother, although she lives in the basement and pays rent to her mother. However, per BEM 212, Claimant is considered to be part of her mother's group, as she is less than twenty-two years of age. Therefore, the Department was correct in denying Claimant's application for FAP benefits.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department and Claimant have come to a settlement regarding Claimant's request for a hearing on the MA and CDC matters. Therefore, it is ORDERED that the Department shall reinstate Claimant's case for MA retroactive to October 1, 2010, if she is otherwise eligible, upon Claimant's submission of a copy of her current bank checking account statement, in accordance with the agreement in this matter. In addition, the Department is ORDERED to reprocess Claimant's request for child care provider payment as of October 1, 2010, in accordance with the agreement in this matter.

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As to Claimant's application for FAP benefits, the Administrative Law Judge finds that the Department's decision to deny claimant's application was correct, and it is ORDERED that the Department's decision is, therefore, AFFIRMED.



Susan C. Burke
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 11, 2011

Date Mailed: January 18, 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:

