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

(35)

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	Reg. No.: Issue No.: Case No.: Hearing Date:	201213784 3008 December 22, 2011			
	County:	Wayne County DHS			
ADMINISTRATIVE LAW JUDGE: Andrea J. B	radley				
HEARING DE	<u>CISION</u>				
This matter is before the undersigned Administrated MCL 400.37 following Claimant's requestelephone hearing was held on December Participants on behalf of Claimant included the on behalf of Department of Human Service Eligibility Specialist.	st for a hearing. er 22, 2011, from Claimant,	After due notice, a Detroit, Michigan.  Participants			
ISSUE					
Due to a failure to comply with the verification requirements, did the Department properly $\square$ deny Claimant's application $\boxtimes$ close Claimant's case $\square$ reduce Claimant's benefits for:					
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		ssistance (SDA)? ent and Care (CDC)?			
FINDINGS OF FACT					
The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:					
1. Claimant ☐ applied for ☒ was receiving: ☐	JFIP ⊠FAP □MA	□SDA □CDC.			
2. Claimant ⊠ was ☐ was not provided with a	Verification Checkli	st (DHS-3503).			

3.	On November 21, 2011, the Department  denied Claimant's application  closed Claimant's case reduced Claimant's benefits for failure to submit verification in a timely manner.
4.	On November 15, 2011, the Department sent notice of the denial of Claimant's application.  closure of Claimant's case. reduction of Claimant's benefits.
5.	On November 15, 2011, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure. ☐ reduction.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.
pro imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, and is plemented by the federal regulations contained in Title 7 of the Code of Federal egulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.
Se Th	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) program which provides financial assistance disabled persons is established by 2004 PA 344. The Department (formerly known the Family Independence Agency) administers the SDA program pursuant to MCL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, 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 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, Clients must cooperate with the local DHS office in obtaining verification for determining initial and ongoing eligibility. BAM 130. 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 the information should be extended at least once. BAM 130. 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.

In the present case, the Department presented insufficient evidence as to the Claimant's failure to cooperate with the redetermination process. The Claimant offered credible and unrebutted testimony that she sent the redetermination packet to the local office and was available and waiting for the redetermination interview at the date and time scheduled. Therefore, there is insufficient evidence to support a finding of refusal to cooperate with the verification process.

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 properly improperly
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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.
Accordingly, the Department's decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall remove the negative action dated November 21, 2011 and begin to reinstate the Claimant's benefits in accordance with Department policy.

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2. The Department shall supplement the Claimant for lost benefits she was eligible and otherwise qualified to receive but-for the November 21, 2011 negative action notice.

Andrea J. Bradley
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: January 9, 2012

Date Mailed: January 9, 2012

**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 receipt 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 <u>MAY</u> 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

## AJB/hw

