

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

**IN THE MATTER OF:**



Reg. No.: 2012-14062  
Issue No.: 3008, 2003  
Case No.:   
Hearing Date: February 2, 2012  
County: Macomb County DHS (20)

**ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris**

**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 February 2, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and her Authorized Hearing Representative and Interpreter, her son, . Participants on behalf of Department of Human Services (Department) included , ES.

**ISSUE**

Due to a failure to comply with the verification requirements, did the Department properly  deny Claimant's application  close Claimant's case  reduce Claimant's benefits for:

- |  |   |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)?        | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)?  |

Did the Department properly close the Claimant's Medical Assistance

- Medical Assistance (MA)?

**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: FIP FAP MA SDA CDC.

2. Claimant  was  was not provided with a Verification Checklist (DHS-3503) with regard to food assistance which requested loss of employment information. Exhibit 1.
3. The Claimant's son dropped the requested information in the Department drop box ten days before it was due. The Department did not receive the verification information.
4. Claimant was required to submit requested verification by October 28, 2011.
5. On November 1, 2011, (FAP) and December 1, 2011 (MA), the Department  
 denied Claimant's application  
 closed Claimant's food Assistance case for failure to verify information. Exhibit 2.  
 closed her Medical Assistance because her minor child was no longer a minor. Exhibit 3.  
 reduced Claimant's benefits for failure to submit verification in a timely manner.
6. On November 16, 2011 (FAP) and October 18, 2011 (MA) the Department sent notice of the  
 denial of Claimant's application.  
 closures of Claimant's case.  
 reduction of Claimant's benefits.
7. On November 21, 2011, Claimant filed a hearing request, protesting the  
 denial.  closure.  reduction.

### **CONCLUSIONS OF LAW**

Department policies are found 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 1999 AC, R 400.3101 through Rule 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 1999 AC, R 400.3001 through Rule 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACRS, R 400.3151 through Rule 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 1999 AC, R 400.5001 through Rule 400.5015.

Additionally, the evidence presented by the Claimant's son through his credible testimony, was that he filed the verification information timely and thus the Department should not have closed the Claimant's food assistance case as there was no refusal to cooperate by the Claimant. BAM 130. Based upon the foregoing, the Department was in error to close the Claimant's FAP case due to failure to verify information.

As regards the Claimant's Medical Assistance, the Department properly closed the case as the Claimant's minor son turned 19 years of age and thus the Claimant was no longer eligible for medical assistance as a caretaker of a minor child. The Department's action with regard to the closure of the Claimant's Medical Assistance case was correct and in accordance with Department policy. BAM 220, BEM 110.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, and as set forth above, the Administrative Law Judge concludes that the Department

properly       improperly

- closed Claimant's Food Assistance case.
- denied Claimant's application.
- reduced Claimant's benefits.

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, and as set forth above, the Administrative Law Judge concludes that the Department

properly       improperly

- closed Claimant's Medical Assistance case.
- denied Claimant's application.
- reduced Claimant's benefits.

**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 and this Decision, finds that the Department

did act properly with regard to the closure of the Claimant's Medical Assistance.

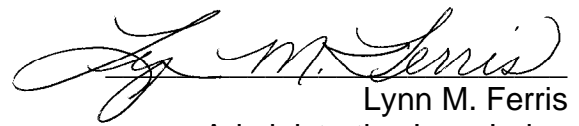
Accordingly, the Department's decision is  AFFIRMED  REVERSED for the reasons stated on the record.

The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record and this Decision, finds that the Department

Did not act properly when it closed the Claimant's food assistance case.

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 initiate reopening of the Claimant's FAP case retroactive to the date of closure, November 1, 2011, and shall determine Claimant's eligibility for FAP benefits in accordance with Department policy.
2. The Department shall supplement the Claimant for any FAP benefits the Claimant is otherwise entitled to receive in accordance with Department policy.

  
Lynn M. Ferris  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: February 8, 2012

Date Mailed: February 8, 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 **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

LMF/hw

cc:

