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

DEPARTMENT OF HUMAN SERVICES			
IN THE MATTER OF:			
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-14191 1038 January 12, 2012 Wayne (82-35)	
ADMINISTRATIVE LAW JUDGE: Jan Levent	er		
HEARING DE	ECISION		
This matter is before the undersigned Administration and MCL 400.37 following Claimant's requestelephone hearing was held on January 12, 2 on behalf of Claimant included Claimant. Human Services (Department) included	est for a hearing. 012, from Detroit, M Participants on beha	After due notice, a ichigan. Participants	
Did the Department properly ☐ deny Claimant's application ☒ close Claimant's case for:			
☐ Family Independence Program (FIP)?☐ Food Assistance Program (FAP)?☐ Medical Assistance (MA)?	State Disability A	ssistance (AMP)? Assistance (SDA)? ent and Care (CDC)?	
FINDINGS O	F FACT		
The Administrative Law Judge, based on the evidence on the whole record, finds as material	•	erial, and substantial	
Claimant ☐ applied for benefits ☒ received benefits for:			
☐ Family Independence Program (FIP).	Adult Medical A	ssistance (AMP).	

State Disability Assistance (SDA). Child Development and Care (CDC).

Food Assistance Program (FAP). Medical Assistance (MA).

2.	On November 30, 2011, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to alleged noncompliance with the JET program.
3.	On November 1, 2011, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.
4.	On November 15, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case.
	CONCLUSIONS OF LAW
	partment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility 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 im 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 ogulations (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 Ag	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 of Human Services (formerly known as the Family Independence ency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human rvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through le 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, Rule 400.5001 through Rule 400.5015.
Additionally, the Department failed to present evidence to establish the alleged date of noncompliance as required by BEM 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related REquirements: FIP." This information is required and must be presented to the customer in the Department Form DHS-2444, "Notice of Employment and/or Self-Sufficiency-Related Noncompliance." Claimant's credible and unrebutted testimony establishes that she did not receive a Notice of Noncompliance and she was not informed of the date alleged.
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 denied Claimant's application □ properly closed Claimant's case □ improperly denied Claimant's application □ improperly closed Claimant's case
for:
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 ightharpoonup did act properly.
Accordingly, the Department's \square AMP \boxtimes FIP \square FAP \square MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.
☑ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF

1. Reinstate Claimant's FIP case;

THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 2. Initiate procedures to provide supplemental retroactive and ongoing FIP benefits to Claimant at the benefit level to which she is entitled;
- 3. Initiate procedures to delete all penalties imposed on Claimant as a result of the Department's wrongful determination that she was noncompliant;

4. Initiate procedures to provide Claimant with the appropriate opportunity to re-enroll in the JET program.

5. All steps shall be taken in accordance with Department policy and procedure.

Jan Leventer

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: January 17, 2012

Date Mailed: January 17, 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 mailing 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

JL/pf

