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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012 17114 3008 January 9, 2012 Wayne county DHS (49)
ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris		
HEARING DECIS	SION	
This matter is before the undersigned Administration and MCL 400.37 following Claimant's request telephone hearing was held on December 9, 2012 on behalf of Claimant included the Claimant. Pathuman Services (Department) included	for a hearing. 2, from Detroit, Mi	After due notice, a chigan. Participants
ISSUE		
Due to a failure to comply with the verification properly ⊠ deny Claimant's application ☐ close benefits for:	•	
☐ Family Independence Program (FIP)? ☐ ☐ Food Assistance Program (FAP)? ☐ ☐ Medical Assistance (MA)?		ssistance (SDA)? nt and Care (CDC)?
FINDINGS OF F	<u>ACT</u>	
The Administrative Law Judge, based upon the evidence on the whole record, including testimony		
Claimant ⊠ applied for □ was receiving: □F	IP ⊠FAP □MA [□SDA □CDC.

2. Claimant \(\subseteq \text{was mot provided with a Verification Checklist (DHS-3503).} \)

3. Claimant was required to submit requested verification by October 10, 2011.

20	1217114/ LMF closed Claimant's case reduced Claimant's benefits for failure to submit verification in a timely manner.
5.	On December 5, 2011, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
6.	On December 5, 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 Jency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3101 rough 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 egulations (CFR). The Department (formerly known as the Family Independence lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, R 400.3001 cough 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) is Department (formerly known as the Family Independence Agency) administers the Aprogram 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, R 400.3151 through Rule 400.3180.
an 19 Th 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 e program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 d 99. The Department provides services to adults and children pursuant to MCL 0.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

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Additionally, The claimant, based upon the overall record including the documents and testimony of the witnesses, did not refuse to cooperate and the Department should not have denied the Claimant's FAP application. BAM 130. The Claimant advised her caseworker when she applied on 9/27/11 that she was moving to a new address on October 1, 2011, but was instructed to use her old address by her caseworker as she had not yet moved. The Claimant did not receive the verification checklist sent to her on 9/29/11, as she had moved. The Claimant timely advised the Department of her address change but the new address was not entered until December 5, 2011, at which time the application was denied due to failure to verifiy information in a timely manner. The Claimant advised her case worker of the change directly and no new verification was sent to the correct address.

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
☐ closed Claimant's 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, finds that the Department \square did act properly. \square did not 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:
 The Department shall reinstate the Claimant's FAP application as of October 1, 2011 and shall recalculate the Claimant's eligibility for FAP benefits. The Department shall seek further verification, if any are required to determine eligibility when recalculating benefits as ordered herein. The claimant shall have ten days

to respond to the Department's request for verificiation of information.

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

Date Signed: January 11, 2012

Date Mailed: January 11, 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

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