

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012-22223
Issue No.: 3005
Case No.: [REDACTED]
Hearing Date: January 26, 2012
County: Wayne (82-55)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

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 January 26, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED], Claimant's Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly deny Claimant's application close Claimant's case for:

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

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. Claimant applied for benefits received benefits for:

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

2. On November 30, 2011, the Department
 denied Claimant's application closed Claimant's case
due to failure to return completed Semi-Annual Contact Report.
3. On December 19, 2011, Claimant filed a hearing request, protesting the
 denial of the application. closure of the case.

CONCLUSIONS OF LAW

Department policies are contained 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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (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, a Semi-Annual Contact Report (DHS-1046) is sent to clients with countable earnings and a 12-month benefit period at the beginning of the fifth month. BAM 210. Clients must submit the signed form, with all of the sections answered completely and required verifications returned. BAM 210. If the DHS-1046 is not logged in by the tenth day of the sixth month, Bridges will send the client a DHS-1046A, Potential Food Assistance (FAP) Closure, which explains that the client must return the DHS-1046 and all required verifications by the last day of the month or the case will close. BAM 210. If the client fails to return a completed DHS-1046 by the last day of the sixth month, Bridges will automatically close the case. BAM 210.

In this case, the Department testified that it sent Claimant a Semi-Annual Contact Report on October 3, 2011, with a due date of November 1, 2011. The Department also testified that it sent Claimant a Notice of Potential Food Assistance (FAP) Closure on November 10, 2011, advising her that the Department had not received the completed Semi-Annual Contact Report form from her and that her case would close on November 30, 2011, if it did not receive the form.

At the hearing, Claimant's AHR first contended that Claimant had completed a Semi-Annual Contact Report in August 2011 and was not due to complete another one in November. Claimant's AHR testified that Claimant submitted a Semi-Annual Contact Report in the Department drop-box on August 16, 2011, and signed the sign-in log evidencing her submission. The Department reviewed the the sign-in log for August 16, 2011, which showed that Claimant submitted an "employer information form." The Department produced a Wage Match Client Notice it sent to Claimant on July 21, 2011, requiring Claimant to submit a Wage Verification form by August 22, 2011. The Department credibly testified that the last review Claimant completed in connection with her FAP case prior to the November 2011 Semi-Annual Report was her redetermination on April 13, 2011. The foregoing evidence shows that the documentation Claimant submitted in August 2011 was not a Semi-Annual Contact Report form. It follows that the September 20, 2011, Notice of Case Action the Department sent Claimant notified her of a change in her FAP benefits based on the change in income verified by the employment forms, not in response to a Semi-Annual Contact Report. Thus, Claimant was required to complete the November 2011 Semi-Annual Contact Report form.

Claimant's AHR acknowledged that Claimant did not turn in a completed Semi-Annual Contact Report but testified that Claimant did not receive the form. The Department testified that the Report was addressed to Claimant at the address she verified at the hearing and that the correspondence history on its system showed that the form had been generated in Lansing and sent to Claimant. This evidence established that the Semi-Annual Contact Report was sent to Claimant. However, even if Claimant did not receive the form, she admitted receiving the Notice of FAP Closure, which notified her that she was required to complete and submit the Semi-Annual Contact Report form by November 30, 2011. While Claimant claimed that she called her caseworker to ask

about the Notice of FAP Closure and was advised that it was sent out in error because she had completed her semi-annual review in August, the evidence at the hearing did not support this testimony. Because the Department did not receive a completed Semi-Annual Contact Report, it acted in accordance with Department policy when it closed Claimant's FAP case. Claimant should be aware, however, that she can reapply for FAP benefits at any time, and the Department must process the application in accordance with Department policy.

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 improperly denied Claimant's application
 properly closed Claimant's case improperly closed Claimant's case

for: AMP FIP FAP MA SDA CDC.

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. did not act properly.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.



Alice C. Elkin
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: February 1, 2012

Date Mailed: February 1, 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 **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

ACE/pf

cc:

