

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

IN THE MATTER OF:



Reg. No.: 2012-27785
Issue Nos.: 1006, 5000
Case No.: [REDACTED]
Hearing Date: May 9, 2012
County: Wayne (82-19)

ADMINISTRATIVE LAW JUDGE: Robert J. Chavez

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 May 9, 2012, from Detroit, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of the Department of the Human Services (Department) included [REDACTED].

ISSUE

Did the Department properly close Claimant's case for Family Independence Program (FIP) and deny Claimant's application for SER?

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 received FIP benefits and applied for SER benefits.
2. On October 1, 2011, the Department closed Claimant's FIP case due to Claimant's failure to meet redetermination requirements.
3. On November 10, 2011, the Department denied Claimant's application for SER due to Claimant's failure to provide proof of an impending utility shut-off.
4. On September 19, 2011, the Department sent Claimant notice of the FIP closure.
5. On November 10, 2011, the Department sent Claimant notice of the denial of SER benefits.

6. On November 16, 2011, Claimant filed a hearing request, protesting the closure of her FIP case and denial of her SER application.

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, Rule 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, Rule 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 AACS, Rule 400.3151 through Rule 400.3180.

The State Emergency Relief (SER) program is established by 2004 PA 344. The SER program is administered pursuant to MCL 400.10, *et seq.*, and by 1999 AC, Rule 400.7001 through Rule 400.7049. Department policies are found in the State Emergency Relief Manual (ERM).

With regard to the FIP closure, the Department testified that Claimant had been sent a redetermination packet, including a notice for an interview, in August 2011. While Claimant turned in required paperwork, Claimant missed the interview; Claimant did not

contest this fact. A notice of missed interview was sent to Claimant, and Claimant did not respond to the notice of missed interview until mid-October, several days after her case had already closed.

Per policy, an interview was required; Claimant missed this interview, and did not attempt to reschedule before her case closed. Had Claimant attempted to reschedule, the undersigned would be more sympathetic; however, the Department, when closing Claimant's case, had to rely on the facts before it. Those facts were that Claimant had failed to attend a mandatory interview and had never contacted the Department to reschedule. Claimant did not contest this. Therefore, the Administrative Law Judge holds that the Department followed proper procedure and was correct to close Claimant's FIP case.

With regards to the SER case, the Department testified that it had never received notice of a shut-off. While an actual utility shut-off is required by policy, Claimant had turned in a bill from July showing that her account was very over due. Claimant alleges that she turned in the notice of shut-off to the Greystone district and that notice was never forwarded to the Inkster district which processed the SER denial.

The Administrative Law Judge finds Claimant credible, as Claimant also had volunteered information that was damaging to her case in regards to the FIP closure. The Department admitted that they never checked with the utility company, which the Department had full access to, to determine if there was a shut-off. Claimant alleges that she informed both districts of the impending shut-off. Therefore, as Claimant notified the Department of the shut-off, provided information to the Department confirming the shut-off (albeit a different district), and the Department never attempted to confirm the shut-off, the Administrative Law Judge rules that the Department erred when denying the SER application in question.

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 closed Claimant's FIP case
- improperly denied Claimant's SER application

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 with regard to Claimant's FIP case and
- did not act properly with regard to Claimant's SER case.

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

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. Initiate reprocessing of Claimant's SER application in question, and fully investigate as to whether there was a utility shut-off notice for the time period in question.



Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 16, 2012

Date Mailed: May 16, 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.

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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

RJC/pf

cc:

