

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

**IN THE MATTER OF:**



Reg. No.: 201229071  
Issue No.: 2013, 3008, 6019  
Case No.: [REDACTED]  
Hearing Date: March 7, 2012  
County: Kent County DHS

**ADMINISTRATIVE LAW JUDGE:** Corey A. Arendt

**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 March 7, 2012 from Lansing, Michigan. Participants on behalf of Claimant included [REDACTED]. Participants on behalf of Department of Human Services (Department) included [REDACTED].

**ISSUE**

1. Due to excess income, did the Department properly close Claimant's case for Medical Assistance (MA) and Child Development Care (CDC)?
2. Due to failure to comply with the verification requirements, did the Department properly close Claimant's case for Food Assistance Program (FAP) benefits?

**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 benefits for MA, CDC and FAP.
2. On October 18, 2011, the Claimant was provided with a verification checklist.
3. Claimant was required to submit requested verification by October 28, 2011.
4. On November 1, 2011, the Department closed Claimant's CDC benefits due to excess income.

5. On October 1, 2011, the Department sent Claimant notice of the CDC closure.
6. On February 1, 2012, the Department closed the Claimant's MA case due to excess income and the Claimant's FAP case for failing to provide the requested verifications to determine ongoing eligibility.
7. On December 28, 2011, the Department sent Claimant notice of the FAP and MA closings.
8. On January 26, 2012, the Claimant requested a hearing to protest the FAP, CDC and MA closings.

### **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 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 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 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.

In regards to the MA and CDC issues, I was unable to determine whether or not the Department acted in accordance with the applicable laws and policies when they determined the Claimant's ongoing eligibility for each of the respective programs. As in this case, the Department failed to provide any testimony or exhibits to show or indicate how they arrived at the numbers used in the Claimant's budget.

In regards to the FAP verification closure, it is undisputed the Claimant received notice of the requested verifications and subsequently failed to submit the requested verifications.

Based on my findings, I am affirming the Department in regards to the FAP closure, and reversing the Department in regards to the MA and CDC closures.

**DECISION AND ORDER**

I find, based upon the above Findings of Fact and Conclusions of Law, find the Department acted properly in closing the Claimant's FAP benefits but did not act properly in closing the Claimant's CDC and MA benefits.

Accordingly, the Department's decision is **AFFIRMED** in part and **REVERSED** in part.

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

1. Initiate a redetermination as to the Claimant's eligibility for MA and CDC benefits beginning February 1, 2012 and November 1, 2011 respectively and to issue retroactive benefits if otherwise qualified and eligible.

/s/ \_\_\_\_\_  
Corey A. Arendt  
Administrative Law Judge  
For Maura Corrigan, Director  
Department of Human Services

Date Signed: March 8, 2012

Date Mailed: March 9, 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

CAA/cr

cc:

