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

IN THE MATTER OF:



Reg. No.: 2012-29562

Issue No.: 2006

Case No.:

Hearing Date: March 28, 2012

County: St. Clair

ADMINISTRATIVE LAW JUDGE: Carmen G. Fahie

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claim ant's request for a hearing. After due notice, a telephone hearing was held on Wednesday, March 28, 2012, from Lansing, Michigan. Participants on behalf of Claimant inc luded the c laimant. Participants on behalf of Department of Human Services (Department) included Rachelle Nagueira, FIM.

ISSUE

| Due to a failure to comply with the ve rifi properly ⊠ deny Claimant's application ⊠ c benefits for: | cation requirements, did the Department lose Claimant's case |
|--|--|
| ☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)? | ☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)? |
| FINDINGS OF FACT | |
| The Administrative Law Judge, based upon evidence on the whole record, including testir | • |
| 1. Cla imant ☐ applied for ☒ was receiving: | □FIP □FAP ☑MA □SDA □CDC. |
| 2. Cla imant ⊠ was □ was not provided with | n a Verification Checklist (DHS-3503). |
| | |

3. Claimant was required to submit requested verification by May 26, 2011.

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| 4. On January 13, 2012, the Department ☐ denied Claimant's application ☐ closed Claimant's case ☐ reduced Claimant's benefits for failure to submit current medical reco rds and DHS-49F, Medical Social Questionaire. |
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| 5. On January 13, 2012,, the Department sent notice of the ☐ denial of Claimant's application. ☐ closure of Claimant's case. ☐ reduction of Claimant's benefits. |
| On January 25, 2012, Claimant filed a hearing request, protesting the |
| CONCLUSIONS OF LAW |
| Department policies are found 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 W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, et seq. The Department (formerly k nown 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 Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, 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 Ass istance (MA) program is es tablished by the Title XIX of the Soc ia Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the F amily Independence Agency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 400.105. |
| ☐ The State Disability Assistance (SDA) progr am which provides financial as sistance for disabled persons is established by 2004 PA 344. The Depart ment (formerly known as the F amily Independence Agency) admini sters the SDA program pursuant to M CI 400.10, et seq., and 2000 AACS, R 400.3151 through Rule 400.3180. |
| ☐ The Child Development and Care (CDC) program is establishhed by Titles IVA, IVE and XX of the Soc ial Security Act, the Child Care and Development Block Grant of |

Date Mailed: April 9, 2012

1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Fede ral Regulations, Parts 98 and 99. The Department provides services to adult and children pursuant to MCL 400.14(1) and 1999 AC, R 400.5001 through Rule 400.5015.

Additionally, the claimant was no longer eligible for MA because her youngest eligible child turned 18 years and the claimant did not meet any of the other eligibility criteria of being under 21, pregant, or a caretaker of a minor child or over 65 (aged), blind, or disabled. The claimant subsequently applied for disability benefits, but failed to turn in her required verifications to determine eligibility by the due date, which resulted in her case being denied. The claimant is entitled to re-apply for benefits for disability.

| case being denied. The claimant is entitled to re-apply for benefits for disability. |
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| 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 ☐ did act properly. ☐ did not act properly. |
| Accordingly, the Depar tment's decision is $\ \ \ \ \ \ \ \ \ \ \ \ \ $ |
| ☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER: |
| |
| <u>/s/</u> |
| Carmen G. Fahie Administrative Law Judge |
| For Maura Corrigan, Director |
| Department of Human Services Date Signed: April 9, 2012 |
| Date Signed. April 9, 2012 |

NOTICE: Michigan Administrative Hearing Syst em (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a par ty within 30 days of the receipt date of this Dec ision and Orde r. MAHS will not or der a rehearing or reconsideration on the Department's mo tion where the final decis ion 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 ti mely 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, math ematical error, or other obvious errors in the he aring 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

Re consideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

CGF/ds

CC:

