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

IN THE MATTER OF:



Reg. No.: 2012-3484 Issue No.: 2006; 3008 Case No.:

Hearing Date: November 17, 2011

County: Wayne (17)

ADMINISTRATIVE LAW JUDGE: Alice C. Elkin

HEARING DECISION

This matter is before the undersigned Administ rative 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 November 17, 2011, from Detroit, Michigan. Participants on behalf of Claimant inclu ded Claim ant. Participants on behalf of Department of Human Servic es (Departm ent) included Family Independence Manager, and Assistant Payment worker.			
<u>ISSUE</u>			
Did the Departm ent properly $\ \square$ deny Claiman t's application $\ \boxtimes$ close Claimant's case for:			
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?	☐ Adult Medical Assistance (AMP)? ☐ State Disability Assistance (SDA)? ☐ Child Development and Care (CDC)?		
FINDINGS OF FACT			
The Administrative Law Judge, based on t he competent, material, and substantial evidence on the whole record, finds as material fact:			
1. Cla imant ☐ applied for benefits ⊠ received benefits for:			
☐ Family Independence Program (FIP). ☐ Food Assistance Program (FAP). ☐ Medical Assistance (MA)	☐ Adult Medical Assistance (AMP). ☐ State Disability Assistance (SDA). ☐ Child Development and Care (CDC)		

2.	On November 1, 2011, the Department ☐ denied Claimant's application ☐ closed Claimant's case due to inability to locate Claimant.	
3.	On September 27, 2011, the Department sent	
4.	On October 4, 2011, Claimant filed a hearing request, protesting the ☐ denial of the application. ☐ closure of the case.	
CONCLUSIONS OF LAW		
	epartment policies are contained in the Br idges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).	
Re 42 Ag thr	The Family Independence Program (FIP) was established purs uant to the Personal esponsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly k nown as the Family Independence lency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 ough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program ective October 1, 1996.	
pro im Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Stamp (FS) ogram] is establis hed by the Food St amp Act of 1977, as amend ed, 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 ency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.	
Se Th Ag	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department of Human Services (formerly known as the Family Independ ence lency) administers the MA program pursuant to MCL 400.10, et seq., and MC L 0.105.	
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, <i>et seq</i> .	
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The D epartment of Human ervices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, et seq., and 20 00 AACS, Rule 400.3151 through alle 400.3180.	

☐ The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Soc ial 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 Feder al Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, in this case, the Department testified that it closed Claimant's MA and FAP cases because it did not have an address on file—for the place Claimant actually lived. Claimant's address on file with the Depa—rtment w as on—claimant's grandmother. Claim ant's grandmother and uncle,—who lived in the home, stated, and Claimant herself adm itted, that Claimant did no t live on—credibly testified that she mo ved around from place to place and did not have a place where she consistently lived. A homeless person is an individual who lacks a fixed and regular nighttime dwelling or whose tem—porary nighttime dwelling is the home of another. BEM 220. Thus, Claimant qualified as homeless under Department policy.

In situations involv ing a homeless client, the Department must use the local office address or another location agreeable to the individual as the mailing address on file with the Department. BEM 220. A client's temporary mailing address should not be designated as the individual's physical address. BEM 220. Claimant credibly testified that she used the address that was on file with the Department for receipt of mail and believed she was receiving all the mail sent to her at the Faust address, noting that she had received the No tice of Case Action closing her FAP and MA cases. While the Department testified that Cla imant's mail was being returned to the Department, it produced evidence only that a Verification Checklist sent to Claimant at the address had been returned.

Furthermore, Claimant credibly testified that she tried to change her address to be her mailing address online but was not able to do so. She also testified that she had spoken to her worker on July 13, 2011, to explain the situation regarding her address permit the use of mailing a ddresses. The but was told that the Department did not Department may not deny ass istance solely because the indi vidual has no permanent dwelling or fixed address. BE M 220. Because Claimant was homeless and tried unsucessfully to have the Dep artment designate the address as her mailing address, the Department did not act in accordance with Department policy when it closed Claimant's FAP and MA cases solely on the basis that Claimant did not have an address. While, for FAP purpo ses, a client may be considered homeless only for the first 90 days, the Department did not produce sufficient evidence concerning the length of time Claimant had been homeless. BEM 220.

At the hearing, the Department also testified that Cla imant was ineligible for FAP benefits because she was a full-time student. However, the Department acknowledged that it was not aware of Claimant's student stat us until after the Notice of Case Action closing Claimant's case had been mailed out to her. Thus, the Department never considered Claimant's circumstances in determining whether she fit into any of the

criteria for FAP eligibility under BEM 245 despi te her student status, particularly in light of the fact that she had an infant and was working. Thus, the Department could not rely on Claimant's student status as an alternative basis for closing her FAP case.

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Based upon the abov e Findings of Fact and Conclus ions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department			
☐ properly denied Claimant's application ☐ properly closed Claimant's case ☐	improperly denied Claimant's application 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 \square AMP \square FIP \boxtimes FAP \boxtimes MA \square SDA \square CDC decision is \square AFFIRMED \boxtimes REVERSED for the reasons stated above and on the record.			
$oxed{\boxtimes}$ THE DEPARTMENT IS ORDERED TO DETECTION THE DATE OF MAILING OF THIS DECISION			
 Remove the negative actions closing Cl failure to locate; Issue supplements to Claim ant for FAP b any, from November 1, 2011, ongoing; and Reinstate Claimant's MA coverage in act November 1, 2011, ongoing. 	enefits Claimant wa s entitled to receive, if d		
	Alice C. Elkin Administrative Law Judge for Maura Corrigan, Director		

Date Signed: December 13, 2011

Date Mailed: December 13. 2011

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 mailing date of this Dec ision and Order. MAHS will not order 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)

Department of Human Services

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.

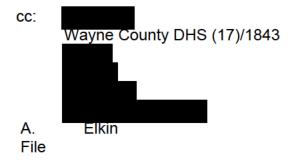
Claimant may request a rehearing or reconsideration for the following reasons:

- 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, 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

Re consideration/Rehearing Request
P. O. Box 30639

ACE/ctl



Lansing, Michigan 48909-07322