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

#### IN THE MATTER OF:



Reg. No.: 2012-40019 Issue Nos.: 1038, 3008 Case No.:

Hearing Date: April 12, 2012 County: Wayne (82-31)

ADMINISTRATIVE LAW JUDGE: Jan Leventer

### **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 April 12, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and her mother, and the Department of Human Services (Department) included

# ISSUE

Due to excess income, did the Department properly close Claimant's Family Independence Program (FIP) case and reduce Claimant's 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	applied for benefits for:	received benefits for:
	⊠ Food As	ndependence Program (FIP). ssistance Program (FAP). Assistance (MA).	<ul><li>☐ Adult Medical Assistance (AMP).</li><li>☐ State Disability Assistance (SDA).</li><li>☐ Child Development and Care (CDC)</li></ul>

2.	On March 1, 2012, the Department   denied Claimant's application   closed Claimant's FIP case   reduced Claimant's FAP benefits due to the Department's determination that Claimant did not comply with the work participation requirements of the FIP program.
3.	On February 15, 2012, the Department sent  Claimant Claimant's Authorized Representative (AR)  notice of the denial. Closure. reduction.
4.	On March 9, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the
	denial of the application. $\boxtimes$ closure of the case. $\boxtimes$ reduction of benefits.
	CONCLUSIONS OF LAW
	epartment policies are contained in the Bridges Administrative Manual (BAM), the dges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).
	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> .
Re 42 Ag thr	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence ency) 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 imp Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] is established by the Food Stamp Act of 1977, as amended, 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	The Medical Assistance (MA) program is established by the Title XIX of the Social curity Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). e Department (formerly known as the Family Independence Agency) administers the A program pursuant to MCL 400.10, et seq., and MCL 400.105.
for as	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department (formerly known the Family Independence Agency) administers the SDA program pursuant to MCL 0.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.
an	The Child Development and Care (CDC) program is established by Titles IVA, IVE d XX of the Social Security Act, the Child Care and Development Block Grant of 90, 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, Rule 400.5001 through Rule 400.5015.

Additionally, the Department failed to present evidence to prove that Claimant was noncompliant on November 16, 2011, or any other date, and also the Department failed to prove that Claimant was notified of a genuine date of noncompliance. Claimant gave credible and unrebutted testimony that she was never notified of a date to go to a work participation program. The Department failed to present such notice and, indeed, the work program casenotes do not reflect that such an appointment was ever scheduled.

It is therefore found and determined that Claimant is eligible for FIP and for full FAP

do so.
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, due to excess income, the Department $\  \  \  \  \  \  \  \  \  \  \  \  \ $
<ul> <li>☐ denied Claimant's application</li> <li>☒ reduced Claimant's FAP benefits</li> <li>☒ closed Claimant's FIP case</li> </ul>
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 $\boxtimes$ FIP $\boxtimes$ FAP $\square$ MA $\square$ SDA $\square$ CDC decision is $\square$ AFFIRMED $\boxtimes$ 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. Reinstate Claimant's FIP benefits:
- 2. Initiate procedures to delete all penaties imposed on Claimant for noncompliance with the JET program;
- 3. Initiate procedures to provide full FIP and increased FAP benefits to Claimant on an ongoing and retroactive basis at the benefit levels to which she is entitled:
- 4. Initiate procedures to provide Claimant with medical deferral forms with which to apply for a medical deferral if she so wishes.

5. All steps shall be taken in accordance with Department policy and procedure.

Jan Leventer

Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Jan

Date Signed: April 17, 2012

Date Mailed: April 17, 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 <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
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

JL/pf

CC:

