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

IN THE MATTER OF:				
	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-41746 2018 May 17, 2012 Macomb (50-36)		
ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens				
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, an inperson hearing was held on May 17, 2012, from Sterling Heights, Michigan. Participants on behalf of Claimant included Participants on behalf of the Department of Human Services (Department) included				
<u>ISSUE</u>				
Did the Department properly \boxtimes deny Claimant's application \square close Claimant's case for:				
Food Assistance Program (FAP)?		sistance (AMP)? ssistance (SDA)? nt and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:				
Claimant ☑ applied for benefits ☐ received benefits for:				
☐ Family Independence Program (FIP). ☐ ☐ Food Assistance Program (FAP). ☐ ☐ Medical Assistance (MA). ☐	•	ssistance (AMP). Assistance (SDA). ent and Care (CDC).		

2.	On January 13, 2012, the Department denied Claimant's application closed Claimant's case due to failure to return verifications.			
3.	On January 13, 2012, the Department sent Claimant Claimant's Authorized Representative (AR) notice of the denial. Closure.			
4.	On March 21, 2012, Claimant filed a hearing request, protesting the implication implication implication implication implication implication.			
CONCLUSIONS OF LAW				
	epartment policies are contained in the Bridges 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 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 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 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 lency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 0.3001 through Rule 400.3015.			
Se Th Ag	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 of Human Services (formerly known as the Family Independence ency) administers the MA program pursuant to MCL 400.10, et seq., and MCL 0.105.			
☐ ad	The Adult Medical Program (AMP) is established by 42 USC 1315, and is ministered by the Department pursuant to MCL 400.10, et seq.			
for Se pro	The State Disability Assistance (SDA) program, which provides financial assistance disabled persons, is established by 2004 PA 344. The Department of Human crvices (formerly known as the Family Independence Agency) administers the SDA ogram pursuant to MCL 400.10, <i>et seq.</i> , and 2000 AACS, Rule 400.3151 through the 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.

Claimant's representative applied for MA benefits on September 14, 2011. This request included a request for retro MA back to July 2011. The Department issued a request for verifications and, after several extensions, the verifications were, in fact, received by the Department on October 31, 2011. After processing these verifications, the Department issued a new verification checklist requesting information on Claimant's savings account. This verification checklist was sent to Claimant. The Department failed to send this same request for verification to Claimant's representative. On January 13, 2012, the Department determined that Claimant had failed to return the requested savings account information and issued a denial notice. This notice was only sent to Claimant and the Department failed to copy Claimant's representative.

The Department failed to copy all communications to Claimant's representative who filed the application. This failure resulted in Claimant's representative not being aware of the need for further verifications. The Department is required by policy to send requests and communications to a claimant's representative.

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			
	mproperly denied Claimant's application mproperly closed Claimant's case		
for:			
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 \square FAP \boxtimes MA \square SDA \square CDC decisior is \square AFFIRMED \boxtimes REVERSED for the reasons stated on the record.			
oxtimes THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:			

- 1. Re-register Claimant's application for MA dated September 14, 2011, including request for retro MA;
- 2. Process Claimant's application for benefits requesting necessary verifications from Claimant and her representative;
- 3. The Department shall allow Claimant 10 days to provide requested verifications;

4. Issue a written determination.

Jonathan W. Owens
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 23, 2012

Date Mailed: May 23, 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

JWO/pf

