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:	201244987 3022 May 7, 2012 Wayne (43)	
ADMINISTRATIVE LAW JUDGE: Alice C. Elkin			
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 May 7, 2012, from Detroi t, Michigan. Participants on behalf of Claimant included Claimant and Authorized Hearing Representative (AHR). Participants on behalf of the Department of Human Services (Department) included Representative (AHR).			
<u>ISSUE</u>			
Due to a failure to comply with the ve rification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:			
Food Assistance Program (FAP)?		ogram (AMP)? ssistance (SDA)? nt and Care (CDC)?	
FINDINGS OF FACT			
The Administrative Law Judge, based upon the cevidence on the whole record, including testimony			
1. Cla imant ☐ applied for ☐ was rec eiving: ☐ CDC.	JFIP ⊠FAP □	MA □AMP □SDA	

2.	On December 31, 2011, the Department denied Claimant's application closed Claimant's case reduced Claimant's benefits for failure to submit verification in a timely manner.
3.	On March 28, 2012, the Department sent notice of the denial of Claimant's application. Closure of Claimant's case. reduction of Claimant's benefits.
4.	On April 13, 2012, Claimant filed a hearing request, protesting the ☐ denial. ☐ closure. ☐ reduction.
	CONCLUSIONS OF LAW
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges igibility 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 W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence gency) administers FIP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 400.3101 rough Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program fective October 1, 1996.
pro im Re Ag	The Food Assistanc e Program (FAP) [fo rmerly known as the Food Sta mp (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 gency) administers FAP pursuant to MCL 400.10, et seq., and 1999 AC, Rule 10.3001 through Rule 400.3015.
Se Th	The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial ecurity 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 A program pursuant to MCL 400.10, et seq., and MCL 400.105.
	The Adult Medical Program (AMP) is established by 42 USC 1315, and is lministered by the Department pursuant to MCL 400.10, <i>et seq</i> .
for as	The State Disability Assistance (SDA) progr am which provides financial as sistance disabled persons is established by 20 04 PA 344. The Depar tment (formerly known the Family Independence Agency) administers the SDA program pursuant to M CL 10.10, et seq., and 2000 AACS, Rule 400.3151 through Rule 400.3180.

☐ The Child Development and Care (CDC) program is establis hed 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 Fiederal Regulations, Parts 98 and 99. The Department provides services to adult and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, a client must complete a redet ermination at least every 12 months in order for the Department to determine the client's continued eligibility for benefits. BAM 210 . A FAP client must also complete a phone interview. BAM 210. FAP benefits stop at the end of the benefit period unles s a redetermination is completed and a new benefit period is certified. BAM 210.

In this case, the Department testified that it sent out se veral documents on November 15, 2011, in connection with Cla imant's FAP redetermination: the Redetermination form (DHS-1010), Redetermination Telephone I nterview notice (DHS-574), and the Food Assistance Benefits Redetermi nation Filing Record (DHS- 2063B). When it did not receive the complet ed redeter mination, the Department sent Clai mant a Notice of Missed Interview on December 5, 2011. Notwit hstanding the fact that it never received a completed redetermination, on December 27, 2011, the Department sent Claimant a Verification Checklist (VCL), requesting information concer ning Cla imant's wife's employment income and loss of employment by Jan uary 6, 2012. The Department testified that, because it did not receiv e a completed redetermination, it closed Claimant's FAP case effect ive December 31, 2012 and sent him a March 28, 2012, Notice of Case Action informing him of the closure.

A client has the responsibility to cooperate in providing the Department with requested information and documents. BAM 105. However, the Department has the responsibility to protect client's rights and explain clie nt responsibilities in understandable terms. BAM 105. By sending Claimant a VCL on December 27, 2011 with a due date of January 6, 2012, despite the f act that Claimant's F AP ca se was due to close on December 31, 2011 becaus e Claimant had failed to submit a completed redetermination, the Department created a situation where Claimant could, in good faith, believe that her response to the VCL would be sufficient to keep her FAP case open. This is particularly true where the VCL stated that FAP benefits could be denied. decreased or cancelled if the documents requested in the VCL were not received by the Department by the due date. n this case, Cla imant's wife testified that she submitted the information requested in the VCL to the Department's office on January 5, 2012 and signed the sign-in log evidenc ing her subm ission. Although the Department denied receiving any response to the VCL, the Department reviewed the sign-in log for January 5, 2012 during the hearing and found an entry by Claimant for "proof of income." evidence supports Claimant's testimony that she timely responded to the VCL. Becau se the Department failed to explain to Claimant in understandable terms that his FAP cas e would close despite his su bmission of the documents reques ted by the VCL, the

Department failed to act in accordance with Department policy. Under the circumstances in this case, the Department improperly closed Claimant's FAP case.			
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 \square did act properly. \square did not act properly.			
Accordingly, the Depar tment's decision is $\ \ \ \ \ \ \ \ \ \ \ \ \ $			
$\hfill \square$ The department is ordered to do the following within 10 days of the date of mailing of this decision and order:			
 Reinstate Claimant's FAP case as of January 1, 2012; Begin reprocessing Claimant's FAP redetermination in accordance with Department policy; Issue supplements for any FAP benefits Claimant was eligible to receive but did not for January 1, 2012, ongoing; and 			
4. Notify Claimant in writing of its decision in accordance with Department policy.			
Alice C. Elkin Administrative Law Judge for Maura Corrigan, Director			
Department of Human Services Date Signed: May 11, 2012			
Date Mailed: May 11, 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 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)

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

Request

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

ACE/cl

