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

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	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-46014 2006 August 20, 2012 Wayne (82-82)		
ADMINISTRATIVE LAW JUDGE: Robert J. C	havez			
HEARING DE	CISION			
This matter is before the undersigned Administ and MCL 400.37 following Claimant's requetelephone hearing was held on August 20, 2013 behalf of Claimant included Claimant's Authorized Participants on behalf of the Departiculated.	est for a hearing. 2, from Detroit, Michi norized Hearing Re	After due notice, a igan. Participants on presentative (AHR),		
ISSUE				
Due to a failure to comply with the verifical properly \square deny Claimant's application \boxtimes clobenefits for:				
☐ Family Independence Program (FIP)? ☐ Food Assistance Program (FAP)? ☐ Medical Assistance (MA)?		assistance (SDA)? ent and Care (CDC)?		
FINDINGS OF FACT				
The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:				
Claimant ☐ applied for ☒ was receiving: [_FIP	□SDA □CDC.		
2. Claimant was required to submit requested	verification by March	n 1, 2012.		

3.	On April 1, 2012, the Department denied Claimant's application. closed Claimant's case. reduced Claimant's benefits.
4.	On March 19, 2012, the Department sent notice of the denial of Claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
5.	On March 30, 2012, Claimant filed a hearing request, protesting the denial of claimant's application. closure of Claimant's case. reduction of Claimant's benefits.
	CONCLUSIONS OF LAW
	partment policies are found in the Bridges Administrative Manual (BAM), the Bridges gibility Manual (BEM) and the Reference Tables Manual (RFT).
Re: 42 Age 313	The Family Independence Program (FIP) was established pursuant to the Personal sponsibility 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 1997 AACS R 400.3101-31. FIP replaced the Aid to Dependent Children (ADC) program effective tober 1, 1996.
pro imp Reg Age	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) gram] 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 gulations (CFR). The Department (formerly known as the Family Independence ency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS R 0.3001-3015
Sec	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 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 1998-2000 AACS R 400.3151-400.3180.
	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

1990, 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 1997 AACS R 400.5001-5015.

Much of the evidence in the current case revolves around the actions of the Department and Claimant on April 10, 2012. However, as Claimant was protesting the case closure notice of March 19, 2012, and requested a hearing on March 30, 2012, any actions by either party that occurred after these dates are largely irrelevant to the case closure action, and these actions will not be considered, except insofar as they lend credibility to the evidence in the current case.

Claimant was required to return a redetermination form on March 1, 2012. Claimant's AHR contacted the Department on this date and informed the Department that Claimant was in the hospital. According to Claimant's AHR, the Department gave Claimant an extension because of the extenuating circumstances. The undersigned finds this testimony credible; the testimony was not rebutted, and the actions of the Department (including not filing a negative action notice for over two weeks after the due date, and the deference the Department gave in allowing Claimant to file documents to reinstate the case on April 10) lend large amounts of credence to the fact that Claimant was in the hospital and the Department attempted to accommodate this situation.

However, the Department did not document this extension, nor is there any indication that Claimant was given a new due date for the required forms. Therefore, as the Department extended the due date, in accordance with policy found at BAM 130, but did not give Claimant any notification as to when verifications were due, also per BAM 130, the Administrative Law Judge can only conclude that the Department initiated closure of the case prematurely. As such, the Department was in error when it initiated case closure on March 19, 2012.

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
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 ightharpoonup did act properly in did act properly.
Accordingly, the Department's 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. Reprocess the MA redetermination in question, and reopen Claimant's MA case retroactive to the date of negative action.

Robert J. Chavez
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 23, 2012

Date Mailed: August 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.

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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

RJC/pf

