

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

IN THE MATTER OF:



Reg. No.: 2012-24748
Issue Nos.: 3002, 6019
Case No.:
Hearing Date: December 14, 2011
DHS County: Wayne (82-76)

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 upon Claimant's request for a hearing. After due notice, an in-person hearing was held on December 14, 2011, in Detroit, MI. Claimant appeared and testified. The Department of Human Services (Department) was represented by

Claimant has filed several hearing requests regarding the same issue addressed in this decision. Therefore, this decision shall resolve the following outstanding hearing requests filed on September 30, 2011, October 5, 2011, and October 31, 2011, in addition to the request listed below dated October 11, 2011.

Claimant's representative failed to appear for the hearing. Claimant on record waived her right to representation and chose to move forward without her representative present.

ISSUE

1. Did the Department properly determine Food Assistance Program (FAP) benefits?
2. Did the Department properly process Claimant's application for Child Development 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:

1. On September 27, 2011, the Department sent a notice indicating Claimant's FAP benefits would be decreased beginning in November 2011.

2. On October 20, 2011, the Department received an employment verification.
3. On October 31, 2011, the Department completed a new budget for FAP and increased benefits to \$610 beginning November 2011. This action resulted in the deletion of the prior FAP reduction scheduled to occur beginning November 2011.
4. On September 21, 2011, Claimant submitted an application for CDC.
5. The Department sent the CDC application back to Claimant to obtain a signature.
6. On September 29, 2011, Claimant resubmitted a signed application.
7. The Department was informed that Claimant had been terminated as of September 28, 2011, from her employment. The Department confirmed Claimant had not utilized daycare services.
8. The Department denied the CDC application.
9. On October 11, 2011, Claimant requested a hearing.

CONCLUSIONS OF LAW

Department policies are contained in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3101 through R 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and Mich Admin Code, R 400.3001 through R 400.3015.

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA 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 administered by the Department pursuant to MCL 400.10, *et seq.*

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, R 400.3151 through R 400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and 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 Mich Admin Code, R 400.5001 through R 400.5015.

Claimant requested a hearing regarding the reduction in her FAP benefits. At hearing, Claimant indicated the Department had corrected her FAP benefits and this was no longer an issue. However, Claimant was still disturbed by the application process for CDC. Claimant requested an opportunity to be heard regarding the processing of her request for CDC. Claimant testified she was resourceful when it came to supporting herself and her children. Claimant had been able to locate new employment when her employment had ended. Claimant, however, expressed frustration regarding the Department's inability to process her application for benefits within a quick time frame. The Department had informed Claimant they had 45 days to process an application for CDC. Claimant expressed a need for a quicker response when someone is attempting to support themselves and small children. The need for CDC weighed heavily on the ability of Claimant to maintain employment.

While this Administrative Law Judge sympathizes with Claimant regarding her situation and the real world reality of a single parent attempting to work with small children, this Administrative Law Judge can only consider whether the Department followed policy. In this case, the Department did process Claimant's application and made a determination within the allotted policy guidelines.

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 when it processed the Claimant's application for CDC.

Accordingly, the Department's CDC decision is AFFIRMED. The issue regarding Claimant's FAP benefits had been resolved and is no longer an issue.



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

Date Signed: December 21, 2011

Date Mailed: December 21, 2011

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 **MAY** 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

cc:

