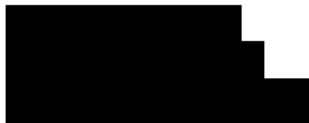


STATE OF MICHIGAN  
MICHIGAN ADMINISTRATIVE HEARING SYSTEM  
ADMINISTRATIVE HEARINGS FOR THE  
DEPARTMENT OF HUMAN SERVICES

**IN THE MATTER OF:**



Reg. No: 201247527  
Issue No: 3008, 6015, 2000, 1000  
Case No: [REDACTED]  
Hearing Date: May 30, 2012  
Clinton County DHS

**ADMINISTRATIVE LAW JUDGE:** Christopher S. Saunders

**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, a telephone hearing was held on May 30, 2012. The claimant personally appeared and provided testimony.

**ISSUES**

1. Whether the department properly denied the claimant's application for Child Development and Care (CDC) benefits?
2. Whether the department properly denied the claimant's application for Medical Assistance (MA) benefits?
3. Whether the department properly denied the claimant's application for Family Independence Program (FIP) benefits?
4. Whether the department properly denied the claimant's application for Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as material fact:

1. The claimant submitted an application for FAP, MA, CDC, and FIP benefits on February 27, 2012.
2. The claimant's FAP benefits were initially approved.
3. The claimant was sent a verification checklist on February 27, 2012 with a due date of March 8, 2012.

4. On March 15, 2012, the department sent the claimant a notice of case action (DHS 1605) stating that her application for FIP, CDC, and MA benefits had been denied and that her FAP benefits would be closed effective April 1, 2012.
5. The claimant filed a request for hearing on April 16, 2012, protesting the denial of her applications and the closure of her FAP case.

### **CONCLUSIONS OF LAW**

The regulations governing the hearing and appeal process for applicants and recipients of public assistance in Michigan are found in the Michigan Administrative Code, MAC R 400.901-400.951. An opportunity for a hearing shall be granted to an applicant who requests a hearing because his claim for assistance is denied. MAC R 400.903(1).

Clients have the right to contest a department decision affecting eligibility or benefit levels whenever it is believed that the decision is incorrect. The department will provide an administrative hearing to review the decision and determine the appropriateness. BAM 600.

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 of Human Services (DHS or department) administers the FAP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3001-3015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Bridges Reference Manual (BRM).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 8 USC 601, *et seq.* The Department of Human Services (DHS or department) administers the FIP program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3101-3131. The FIP program replaced the Aid to Dependent Children (ADC) program effective October 1, 1996. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Program Reference Manual (PRM).

The Medical Assistance (MA) program is established by 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 (DHS or department) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The Child Development and Care 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 of Human Services (DHS or Department) provides services to adults and children pursuant to MCL 400.14(1) and MAC R 400.5001-5015. Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM), Reference Table Manual (RFT), and the Bridges Reference Manual (BRM).

In the case at hand, the claimant submitted an application for CDC, MA, FIP, and FAP benefits. On March 15, 2012, the department sent the claimant a notice of case action stating that her application for FIP benefits was denied because she was currently receiving similar benefits in the state of Nevada, that her application for MA benefits was denied because she was receiving similar benefits in the state of Nevada, that her application for CDC benefits was denied for failure to return the requested verifications, and that her FAP case was being closed for failure to return the requested verifications (see Department Exhibit C).

In relation to the claimant's application for FIP benefits, the claimant testified that she was in fact still receiving cash benefits from the state of Nevada in the month of March 2012. BEM 222 states that an individual receiving cash benefits from another state is not eligible for FIP benefits in the state of Michigan. Accordingly, the department properly denied the claimant's application for FIP benefits.

In relation to the claimant's CDC application, the claimant testified that she did not return the requested DHS 4025 to the department as required. BAM 105 states that claimants are responsible for cooperating with the department in determining initial and ongoing eligibility. Benefits may be denied if a claimant refuses to cooperate with verification requests. In this case, the department properly denied the claimant's CDC application because the requested DHS 4025 was not returned by the required due date. Additionally, the claimant testified that she was not working or in school during the time period in question, and therefore would not have had a need for benefits when the application was submitted.

Regarding the claimant's MA application, the department representative testified that the claimant was receiving MA benefits in the state of Nevada and that she was therefore not eligible for MA benefits in the state of Michigan. The claimant refuted that she was receiving MA benefits in Nevada at the time of her application. The department did not provide any evidence in the case file to support the contention that the claimant was receiving benefits in the state of Nevada. Therefore, the Administrative Law Judge finds that the department has not met their burden of going forward and in turn finds that the department did not properly deny the claimant's MA application.

Finally, regarding the claimant's FAP application, the notice of case action from March 15, 2012 states that the claimant's FAP application is denied for failure to return the requested verifications. At the hearing, the department representative testified that she was not sure what verification(s) were allegedly not submitted that precipitated the closure of the claimant's FAP case as stated on the March 15, 2012 notice of case

action. The Administrative Law Judge therefore finds that the department has not met their burden of going forward to show that the claimant's FAP case was closed in accordance with policy.

**DECISION AND ORDER**

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the department improperly closed the claimant's FAP case and improperly denied the claimant's MA application. The Administrative Law Judge finds that the department properly denied the claimant's FIP and CDC applications.

Accordingly, the department's actions for FIP and CDC are **AFFIRMED**

It is SO ORDERED.

The department's actions for MA and FAP are **REVERSED**.

It is HEREBY ORDERED that the department shall initiate a redetermination of the claimant's MA eligibility as of the application date (February 27, 2012). The department shall also initiate a redetermination of the claimant's eligibility for the FAP program as of the date of application (February 27, 2012) and allow the claimant to submit any required verifications. If it is determined that the claimant is otherwise eligible for MA and FAP benefits, the department shall issue any past due benefits due and owing that the claimant is otherwise eligible to receive.

/s/ \_\_\_\_\_  
Christopher S. Saunders  
Administrative Law Judge  
for Maura D. Corrigan, Director  
Department of Human Services

Date Signed: June 8, 2012

Date Mailed: June 11, 2012

**NOTICE:** Administrative Hearings 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. Administrative Hearings will not order a rehearing or reconsideration on the Department's motion where the final decision cannot be implemented within 60 days of the filing of the original request.

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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.

CSS/cr

cc:

