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

#### IN THE MATTER OF:



Reg. No.: 2012-5263 Issue No.: 1000; 2001; 3019 Case No.: November 17 2011 Hearing Date: County:

## ADMINISTRATIVE LAW JUDGE: Susan C. Burke

# **HEARING DECISION**

This matter is before the undersigned Admini strative 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 November 17, 2011, from Detroit, Michigan. Participants on behalf of Claimant inclu ded Claim ant. Participants on behalf of Department of Human Services (Department) included

#### ISSUE

Did the Departm ent properly  $\prod$  deny Claiman t's application  $\bigotimes$  close Claimant's case for:

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Family Independence Program (FIP)? Food Assistance Program (FAP)? Medical Assistance (MA)?

Adult Medical Assistance (AMP)? State Disability Assistance (SDA)? Child Development and Care (CDC)?

# FINDINGS OF FACT

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

1. Cla imant applied for benefits received benefits for:

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Family Independence Program (FIP).

Food Assistance Program (FAP).

- 🛛 Adult Medical Assistance (AMP). State Disability Assistance (SDA).
  - Child Development and Care (CDC).

Medical Assistance (MA).

2. On October 1, 2011, the Department

denied Claimant's application	🔀 closed Claimant's case
due to a missed interview.	

3. On September 19, 2011, the Department sent

	aimant
notice	of the

Claimant's Authorized Representative (AR) denial.  $\square$  closure.

4. On October 5, 2011, Claimant filed a hearing request, protesting the

 $\Box$  denial of the application.  $\Box$  closure of the AMP and FA P cases. Claimant also requested a hearing regarding Cash Assistance.

#### CONCLUSIONS OF LAW

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

☐ The Family Independence Program (FIP) was established purs uant to the Personal Responsibility and W ork Opportunity Reconc iliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq*. The Department (formerly k nown as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3101 through Rule 400.3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistanc e Program (FAP) [for merly known as the Food Sta mp (FS) program] is establis hed by the Food St amp Act of 1977, as amend ed, and is implemented by the federal r egulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independenc e Agency) administers FAP pursuant to MCL 400.10, *et seq*., and 1999 AC, Rule 400.3001 through Rule 400.3015.

The Medical Ass istance (MA) program is es tablished by the Title XIX of the Soc ial 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 Independenc e Agency) administers the MA pr ogram pursuant to MCL 400.10, *et seq*., and MC L 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 Disabilit y Assistance (SDA) progr am, which provides financial ass istance for disabled persons, is established by 2004 PA 344. The D epartment of Human

Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq*., and 20 00 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 Ch ild Care and Developm ent 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 Fede ral Regulations, Parts 98 and 99. The Depart ment provides servic es to adults and children pursuant to MCL 400.14(1) and 1999 AC, Rule 400.5001 through Rule 400.5015.

In the present case, Claimant received a Notice of Missed Interview, dated September 7, 2011, stating that Cla imant missed an interview and that it was her responsibility to reschedule the interview before September 30, 2011 or her r edetermination will be denied. Claimant called the specialist's telephone number given on the form many times, but the specialist's mail box was full. Claimant then called the central district number, where she was told to call the specialist's supervisor. Claiman t called the specialist's supervisor and her was full. The Depa rtment then closed mail box Claimant's AMP and FAP case for not attending the interview. It is clear that the Department did not pr otect Claimant's rights as instructed in BAM 105 when it did not effectively allow Claimant an avenue to reschedule her interview.

At the hearing, Claimant a cknowledged that she had not applied for Cash Assistance, but the Department did agree to assist Claimant in an ap plication for the appropriate program. As a result of the agreement, Claimant indicat ed she no longer requested a hearing on Cash Assistance.

Based upon the abov e Findings of Fact and Co nclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly denied Claimant's application properly closed Claimant's case

improperly denied Claimant's application improperly closed Claimant's case

for:  $\square$  AMP  $\square$  FIP  $\square$  FAP  $\square$  MA  $\square$  SDA  $\square$  CDC.

## **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 i did act properly. i did not act properly.

Accordingly, the Department's  $\boxtimes$  AMP  $\square$  FIP  $\boxtimes$  FAP  $\square$  MA  $\square$  SDA  $\square$  CDC 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. Initiate reinstatement of Claimant's FAP and MA cases, e ffective October 1, 2011, if Claimant is otherwise eligible for FAP and AMP.
- 2. Intiate issuance of F AP supplements to Claimant, October 1, 2011 and on going, if Claimant is otherwise eligible for FAP.
- 3. Assist Claimant in applying for Cash Assistance.

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Susan C. Burke Administrative Law Judge for Maura Corrigan, Director Department of Human Services

Date Signed: <u>11/23/11</u>

Date Mailed: <u>11/23/11</u>

**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 mailing date of this Dec ision and Order . MAHS will not or der 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, math ematical 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 Re consideration/Rehearing Request

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

SCB/sm

