

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

**IN THE MATTER OF:**

[REDACTED]

Reg. No.: 2012-54389  
Issue Nos.: 1038, 3008  
Case No.: [REDACTED]  
Hearing Date: June 21, 2012  
County: Wayne (82-49)

**ADMINISTRATIVE LAW JUDGE:** Jan Leventer

**HEARING DECISION**

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a telephone hearing was held on June 21, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant and [REDACTED] Claimant's mother. Participants on behalf of the Department of Human Services (Department) included [REDACTED].

**ISSUE**

Due to excess income, did the Department properly close Claimant's Family Independence Program (FIP) case and reduced Claimant's Food Assistance Program (FAP) benefits?

**FINDINGS OF FACT**

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

1. Claimant  applied for benefits for:  received benefits for:
  - Family Independence Program (FIP).  Adult Medical Assistance (AMP).
  - Food Assistance Program (FAP).  State Disability Assistance (SDA).
  - Medical Assistance (MA).  Child Development and Care (CDC).
  
2. On June 1, 2012, the Department  denied Claimant's application  closed Claimant's case  reduced Claimant's benefits due to excess income.

3. On May 17, 2012, the Department sent  
 Claimant       Claimant's Authorized Representative (AR)  
notice of the       denial.       FIP closure.       FAP reduction.
4. On May 22, 2012, Claimant or Claimant's AHR filed a hearing request, protesting the  
 denial of the application.       FIP closure of the case.       FAP reduction of  
benefits.

### **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 Adult Medical Program (AMP) is established by 42 USC 1315, and is administered by the Department pursuant to MCL 400.10, *et seq.*

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 1999 AC, Rule 400.3101 through Rule 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 1999 AC, Rule 400.3001 through Rule 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 (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program, which provides financial assistance for disabled persons, is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 2000 AACS, Rule 400.3151 through Rule 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 1999 AC, Rule 400.5001 through Rule 400.5015.

Additionally, this case concerns an alleged failure of Claimant to participate in the Work First Program. The Department alleges that on May 7, 2012, Claimant failed to participate in the required program. However, the Department failed to present evidence that Claimant was noncompliant on May 7, 2012. The Department presented no attendance logs or other proof that Claimant failed to participate on that or any other date. The Department presented a document entitled "Update /View Case Notes," but this document contains solely conclusory statements that Claimant was not participating during a particular weekly period.

BEM 233A, "Failure to Meet Employment and/or Self-Sufficiency-Related Requirements: FIP," requires the Department to specify the initial date of noncompliance and every other alleged date as well. It is found and determined that the Department failed to meet this requirement, thus denying to Claimant the right to know when the violation occurred. Without this information, Claimant cannot present proper evidence to establish good cause for a particular date. The same notification requirement exists for FAP benefits and is set forth in BEM 233B.

In addition, the Department violated its own policy in that it failed to inform Claimant of the penalty to be imposed if she was found to be in noncompliance. This requirement is also set forth in BEM 233A and 233B. In this case, the Department informed Claimant that this was her first noncompliance violation for which there would be a three-month penalty. However, the Notice of Case Action informs Claimant that this is her third noncompliance violation and that she will be permanently disqualified from receiving FIP and FAP benefits. This inconsistency violates the requirements of the Department's policy as well. *Id.*

In addition, it appears that Claimant may be eligible for a medical deferral from the Work First requirements and that she is in need of assistance in obtaining current medical information to verify the deferral. At the hearing, Claimant presented the Department's completed medical deferral request form, but her last medical examination was more than ninety days ago and is inadequate to support the deferral request. It appears that Claimant needs assistance and instruction on the steps needed to complete the deferral form in an adequate manner.

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, due to excess income, the Department  properly  improperly

- denied Claimant's application
- reduced Claimant's FAP benefits
- closed Claimant's FIP case

for:  AMP  FIP  FAP  MA  SDA  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

did act properly       did not act properly.

Accordingly, the Department's  AMP  FIP  FAP  MA  SDA  CDC decision is  AFFIRMED  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. Reinstate Claimant's FIP and FAP benefits.
2. Initiate procedures to provide retroactive and ongoing FIP and FAP benefits to Claimant at the benefit levels to which she is entitled.
3. Initiate procedures to delete all penalties which were imposed upon her as a result of the May 17, 2012, Notice of Case Action, or other document, from her Department file records.
4. Initiate procedures to assist Claimant in preparing the medical deferral request form in a manner that her request can be submitted to the Department's Medical Review Team.
5. All steps shall be taken in accordance with Department policy and procedure.



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**Jan Leventer**  
Administrative Law Judge  
for Maura Corrigan, Director  
Department of Human Services

Date Signed: June 25, 2012

Date Mailed: June 25, 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 **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

JL/pf

cc:

