## 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 55828 3008 June 28, 2012 Wayne County DHS (15)
ADMINISTRATIVE LAW JUDGE: Lynn M. Fe	rris	
HEARING DE	CISION	
This matter is before the undersigned Administ and MCL 400.37 following Claimant's requetelephone hearing was held on June 28, 2012 behalf of Claimant included the Claimant. Pal Human Services (Department) included	est for a hearing. , from Detroit, Michi	After due notice, a gan. Participants on
ISSUE	į	
Due to a failure to comply with the verification properly ☐ deny Claimant's application ☒ clobenefits for:		
<ul><li>☐ Family Independence Program (FIP)?</li><li>☐ Food Assistance Program (FAP)?</li><li>☐ Medical Assistance (MA)?</li></ul>		assistance (SDA)? ent and Care (CDC)?
FINDINGS O	F FACT	
The Administrative Law Judge, based upon tevidence on the whole record, including testime		
Claimant ☐ applied for ☒ was receiving: [	□FIP ⊠FAP □MA	□SDA □CDC.
2. Claimant was required to submit requested	verification by 3/1/1	2.
<ol> <li>On 3/31/12, the Department         ☐ denied Claimant's application.         ☐ closed Claimant's case.</li> </ol>		

## 201255828/ LMF

	reduced Claimant's benefits.
4.	On 3/1/12, the Department sent notice of the denial of Claimant's application.  Closure of Claimant's case.  reduction of Claimant's benefits.
5.	On 5/20/12, 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
	epartment policies are found in the Bridges Administrative Manual (BAM), the Bridges igibility Manual (BEM) and the Reference Tables Manual (RFT).
Re 42 Aç 31	The Family Independence Program (FIP) was established pursuant to the Personal esponsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, USC 601, et seq. The Department (formerly known as the Family Independence gency) 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 ctober 1, 1996.
pro im Re Ag	The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) ogram] 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 egulations (CFR). The Department (formerly known as the Family Independence gency) administers FAP pursuant to MCL 400.10, et seq., and 1997 AACS Reposition 10.3001-3015
Se Th	The Medical Assistance (MA) program is established by the Title XIX of the Social ecurity 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 A 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.
an 19	The Child Development and Care (CDC) program is established by Titles IVA, IVE of XX of the Social Security Act, the Child Care and Development Block Grant of 190, 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.

Additionally, in this case the Claimant credibly testified that she had a detailed discussion with her caseworker on March 2, 2012 (the day after her original redetermination interview was scheduled). The Claimant's testimony established that at the time of her redetermination interview, her caseworker advised that he had the redetermination packet and went over questions regarding any changes. The Claimant's caseworker had advised the Department representative that he did not call her on the appointment date because the redetermination was received the next day.

The Claimant next received a Notice of Missed Appointment and attempted to contact her worker, to no avail. The Department caseworker who was assigned to the Claimant's case was not available to testify at the hearing and the Department offered no rebuttal evidence, other than there was no redetermination paperwork in the case file and no case notes from the worker indicating that an interview had occurred. The Claimant also advised the Department in her hearing request that she had a telephone interview, thus advising the Department to be on notice that some evidence to the rebut the Claimant's testimony by the caseworker would be necessary.

Based upon the evidence presented at the hearing, including the Claimant's credible testimony, it is determined that the Claimant did provide a redetermination form and that an interview did occur, and thus the Department should not have closed the Claimant's case.

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
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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 the did act properly.
Accordingly, the Department's decision is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.
oxed THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

- 1. The Department shall initiate reinstatement and reopening of the Claimant's food assistance (FAP) case retroactive to the date of closure (3/31/12) and shall determine the Claimant's eligibility for FAP benefits.
- 2. The Department shall issue a FAP supplement to the Claimant, if the Claimant is otherwise eligible to receive FAP benefits retroactive to the date of closure, in accordance with Department policy.

Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: July 3, 2012

Date Mailed: July 3, 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.

Request must be submitted through the local DHS office or directly to MAHS by mail to:

Michigan Administrative Hearings Reconsideration/Rehearing Request P. O. Box 30639 Lansing, Michigan 48909-07322

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## 201255828/ LMF

