

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

IN THE MATTER OF:

[REDACTED]

Reg. No.: 2012 58707
Issue No.: 3008
Case No.: [REDACTED]
Hearing Date: July 12, 2012
County: Wayne County DHS 17

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

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 July 12, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and a witness [REDACTED] who did not testify. Participants on behalf of the Department of Human Services (Department) included [REDACTED], Assistance Payments Supervisor, and [REDACTED], ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- Family Independence Program (FIP)? State Disability Assistance (SDA)?
 Food Assistance Program (FAP)? Child Development and Care (CDC)?
 Medical Assistance (MA)?

FINDINGS OF FACT

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

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. Claimant was required to submit requested verification by 5/3/12 of the FAP redetermination.

3. During May 2012 the Claimant was removed from her FAP group due to non cooperation with the Office of Child Support and her case was restored effective May 18, 2012. Exhibit 2.
4. The Claimant's case closed automatically for failure to complete the redetermination. The redetermination was mailed 4/16/12 with a due date of 5/3/12. Exhibit 4.
5. The Claimant was provided another redetermination on May 8, 2012 and a packet was left for her in the lobby.
6. No completed redetermination packet was received by the Department from the Claimant.
7. The Claimant reapplied for FAP benefits on 6/5/12 and was granted FAP benefits effective June 11, 2012. Exhibit 5.
8. On June 1, 2012 , the Department
 - denied Claimant's application.
 - closed Claimant's case.
 - reduced Claimant's benefits .
9. On May 9, 2012, 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

Department policies are found 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 1997 AACS R 400.3101-3131. 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 1997 AACS R 400.3001-3015

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 1998-2000 AACS R 400.3151-400.3180.

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 1997 AACS R 400.5001-5015.

Additionally, the evidence presented at the hearing substantiated that the Department did not receive a response to the redetermination packet. The Department representative's testimony was clear that the redetermination phone interview did not in fact occur because the packet was never received. Another packet was left for the Claimant to complete before the end of the month so an interview could be scheduled. I find that the Claimant's caseworker's testimony as regards the events leading to the Claimant's case closure was credible and clear. The Claimant's case closed due to failure to complete a redetermination. Thereafter, the Claimant reapplied on June 5, 2012 and was granted FAP benefits within the Standard of Promptness retroactive to the date of the application, June 5, 2012. The Claimant did not receive FAP benefits for the period June 1, through June 5, 2012 because the application was made June 5, 2012 and she was not entitled to benefits prior to the date of the application.

The Department witness further testified that a discussion with the Claimant did occur after the Claimant called regarding a Notice of Missed Interview, at which time Claimant did not advise the Department that a redetermination had been completed and filed by her. The Department representative also provided a chronology of events leading up to the FAP case closure due to failure to complete the redetermination, which was also very persuasive. The Claimant's testimony did not support a finding that she provided a completed redetermination to the Department and/or that the FAP case closure was due to non cooperation with the Office of Child Support. The Department did not close the Claimant's case due to non cooperation with child support, but rather removed her from the FAP group. Exhibits 2 and 3.

Based upon the documentary evidence and the testimony of the witnesses, it is found that the Department properly closed the Claimant's FAP case due to failure to complete the redetermination, and that the Department has met its burden of proof. .

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

closed Claimant's case.

denied Claimant's application.

reduced Claimant's benefits.

DECISION AND ORDER

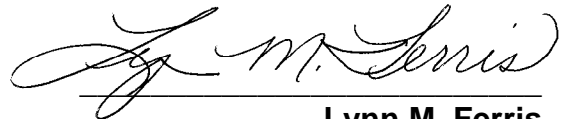
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's 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.



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

Date Signed: July 17, 2012

Date Mailed: July 17, 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.

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- 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

LMF/hw

cc:

