

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

IN THE MATTER OF:



Reg. No.: 2012 61822
Issue No.: 3008, 1005, 2006
Case No.: [REDACTED]
Hearing Date: September 26, 2012
County: Wayne County DHS (15)

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 September 26, 2012, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED], JET Worker.

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:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input checked="" type="checkbox"/> Food Assistance Program (FAP)? | <input checked="" type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> 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 applied for was receiving: FIP FAP MA SDA CDC.
3. Claimant was required to submit requested verification by unknown.
4. On 4/16/12, the Department

- denied Claimant's application.(FIP cash assistance).
- closed Claimant's case.
- reduced Claimant's benefits.

5. On 6/17/12 (CDC); 5/1/12 (FAP) and 7/1/12 (MA), the Department

- denied Claimant's application.
- closed Claimant's case.
- reduced Claimant's benefits .

6. On June 22, 2012, the Department sent notice of the

- denial of Claimant's application (FIP cash assistance).
- closure of Claimant's case FAP, Medical Assistance and Child Development and Care (CDC)
- reduction of Claimant's benefits.

7. On June 22, 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, at the hearing the Department did not present evidence to establish the actual requested verifications, and redetermination information sought as the DHS forms were not provided. The Claimant credibly testified that she provided pay stubs to the Department when she applied for FIP cash assistance and pay stubs to the Work First Program. The Department did not present the request for employment verification for the Claimant's current employment with [REDACTED]; and the Claimant could not get verification for her former employer, [REDACTED], who was uncooperative in providing information (as well as her final pay check). The Claimant also credibly testified that she last worked for this employer October 17, 2011. The Department also was unable to obtain this information through collateral contact. As regards this information, the Claimant's sworn testimony is the best available information and should be relied upon for verification of the Claimant's ending of this employment, as further collateral contact effort by the Department is not likely to yield further information. Due to the lack of evidence presented by the Department, it could not be determined with any specificity, the basis for the Department's actions. The Department did not meet its burden of proof to support its actions taken in this 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

closed Claimant's case for Food Assistance, Medical Assistance and CDC.

denied Claimant's application for FIP cash assistance .

reduced Claimant's benefits.

DECISION AND ORDER

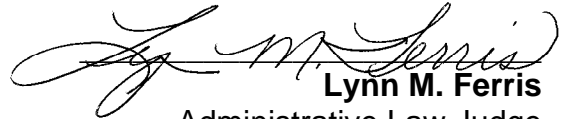
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

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. The Department shall initiate reinstatement of the Claimant's FAP, CDC and MA case retroactive to the dates of closure 6/17/12 (CDC); 5/1/12 (FAP) and 7/1/12 (MA); and shall complete any verification if any, which is still necessary to be completed by the Claimant.
2. The Department shall issue a supplement to the Claimant for any benefits the Claimant is otherwise entitled to receive in accordance with Department policy.
3. The Department shall reregister and process the Claimant's FIP application retroactive to the date of denial (4/16/12) and shall seek any verification, if any, which is still necessary to be completed by the Claimant.
4. The Department shall issue a supplement to the Claimant for any FIP benefits the Claimant is otherwise entitled to receive in accordance with Department policy.


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

Date Signed: 10/8/2012

Date Mailed: 10/8/2012

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.

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

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cc:

