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

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for:

☐ Family Independence Program (FIP)?

Food Assistance Program (FAP)?

Medical Assistance (MA)?

	Reg. No.: Issue No.: Case No.: Hearing Date: County:	2012-63391 1038 August 16, 2012 Wayne (82-57)					
ADMINISTRATIVE LAW JUDGE: Jan Leventer							
HEARING DECISION							
This matter is before the undersigned Administrative and MCL 400.37 following Claimant's request telephone hearing was held on August 16, 2012, frobehalf of Claimant included Claimant. Participal Human Services (Department) included	for a hearing.  om Detroit, Michig	After due notice, a gan. Participants on					
ISSUE							

## FINDINGS OF FACT

Did the Department properly ☐ deny Claimant's application ☒ close Claimant's case

Adult Medical Assistance (AMP)?

State Disability Assistance (SDA)?

Child Development and Care (CDC)?

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 ⊠ received benefits for:					
	<ul><li>☐ Family Independence Program (FIP).</li><li>☐ Food Assistance Program (FAP).</li><li>☐ Medical Assistance (MA).</li></ul>	<ul><li>☐ Adult Medical Assistance (AMP).</li><li>☐ State Disability Assistance (SDA).</li><li>☐ Child Development and Care (CDC).</li></ul>				

<ol> <li>On July 1, 2012, the Department of the Department of the Department of the Department of the Properties of the Department of</li></ol>	volication $oxed{oxtime}$ closed Claimant's case hat she did not have good cause for failing to participate in
	epartment sent nant's Authorized Representative (AR) al. ⊠ closure.
· · · · · · · · · · · · · · · · · ·	t filed a hearing request, protesting the on. 🖂 closure of the case.
	CONCLUSIONS OF LAW
	ntained in the Bridges Administrative Manual (BAM), the EM), and the Reference Tables Manual (RFT).
Responsibility and Work Op 42 USC 601, et seq. The Agency) administers FIP pur	e Program (FIP) was established pursuant to the Personal portunity Reconciliation Act of 1996, Public Law 104-193, Department (formerly known as the Family Independence suant to MCL 400.10, <i>et seq.</i> , and 1999 AC, Rule 400.3101 Preplaced the Aid to Dependent Children (ADC) program
program] is established by implemented by the federal Regulations (CFR). The D	rogram (FAP) [formerly known as the Food Stamp (FS) the Food Stamp Act of 1977, as amended, and is regulations contained in Title 7 of the Code of Federal repartment (formerly known as the Family Independence pursuant to MCL 400.10, et seq., and 1999 AC, Rule 3015.
Security Act and is implemental The Department of Human	(MA) program is established by the Title XIX of the Social nted by Title 42 of the Code of Federal Regulations (CFR). Services (formerly known as the Family Independence A program pursuant to MCL 400.10, et seq., and MCL
	ogram (AMP) is established by 42 USC 1315, and is nent pursuant to MCL 400.10, et seq.
for disabled persons, is es Services (formerly known as	stance (SDA) program, which provides financial assistance tablished by 2004 PA 344. The Department of Humans the Family Independence Agency) administers the SDA 400.10, et seq., and 2000 AACS, Rule 400.3151 through

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, it is found as fact, based on the evidence of record, that on February 11 2012, Claimant had a baby. In March 2012, Claimant applied for and received FIF benefits and received a work participation deferral to May 1, 2012, to take care of the baby.			
On May 31, 2012, the Department sent Claimant a Notice of Noncompliance stating that she failed to appear for Work First on April 6, 2012. However, as that date falls within Claimant's deferral period, it is found and determined that this Notice was issued in error.			
On June 19, 2012, the Department sent Claimant a Work Participation Program Appointment Notice requiring her to attend Orientation on June 29, 2012. Although Claimant's name does not appear on the Work First sign-in sheet for June 29, Claimant gave credible testimony that she appeared at 8:30 a.m. on June 29 and was told to go away. She was also told that the Work First person would email Claimant's Department Specialist and state that Claimant had attended the meeting.			
Although Claimant's Specialist testified that she never received an email from Work First to this effect, Claimant's testimony as to what she was told at Work First was credible and unrebutted. In addition, at the hearing, Claimant presented all the Department correspondence she received in 2012, including the June 19 Participation Notice. Here testimony was deemed most credible because her documentation was more reliable than the Department's documentation and because it reflected that she was a competent historian of her own affairs. Accordingly, the Department shall be reversed.			
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			
<ul> <li>□ properly denied Claimant's application</li> <li>□ properly closed Claimant's case</li> <li>□ improperly denied Claimant's application</li> <li>□ improperly closed Claimant's case</li> </ul>			
for:			
DECISION AND ORDER			

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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 not act properly.

did act properly.

Accordingly, the Department's $\square$ AMP $\boxtimes$ FIP $\square$ FAP $\square$ MA $\square$ SDA $\square$ CDC decisio is $\square$ AFFIRMED $\boxtimes$ REVERSED for the reasons stated on the record.	n
☐ THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS O THE DATE OF MAILING OF THIS DECISION AND ORDER:	F

- 1. Reinstate Claimant's FIP benefits.
- 2. Initiate procedures to provide Claimant with retroactive and ongoing FIP benefits at the benefit level to which she is entitled.
- 3. Initiate procedures to remove and delete all penalties from Claimant's file imposed as a results of the Department's actions.
- 4. All steps shall be taken in accordance with Department policy and procedure.

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

Date Signed: August 22, 2012

Date Mailed: August 22, 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.

## 2012-63391/JL

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

