

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

IN THE MATTER OF:



Reg. No.: 2012-64300
Issue No.: 1002
Case No.: [REDACTED]
Hearing Date: August 15, 2012
County: Wayne (82-18)

ADMINISTRATIVE LAW JUDGE: Kathleen H. Svoboda

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 August 15, 2012, from Detroit, Michigan. Participants on behalf of Claimant included Claimant. Participants on behalf of the Department of Human Services (Department) included [REDACTED]

ISSUE

Did the Department properly withdraw Claimant's application for Family Assistance Program (FIP) benefits pursuant to Claimant's request?

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 FIP benefits on June 1, 2012.
2. Claimant attended Work First orientation on July 9, 2012, as instructed, but did not stay for the duration of the orientation.
3. Claimant telephoned the JET case manager on July 9, 2012, requesting withdrawal of her application for cash assistance.
4. On July 9, 2012, the Department processed the withdrawal of Claimant's application for cash assistance per her request.

5. On July 12, 2012, Claimant requested a hearing seeking to have her June 1, 2012, application for cash assistance reinstated.

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 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 Mich Admin Code, R 400.3101 through R 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 Mich Admin Code, R 400.3001 through R 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 of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

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

Additionally, Claimant seeks to have her application for cash assistance reinstated to her application date of June 1, 2012. The JET case manager, who received Claimant's

telephone call and conversed with Claimant about the withdrawal, was present and testified at the hearing. Claimant did not refute the testimony and, in fact, confirmed that she spoke with the JET case manager after leaving the Work First orientation program early and requested the withdrawal of her application. Claimant testified that when she arrived for her orientation as instructed, she learned of the time commitment for which she was unprepared due to child care and transportation issues. She has since advised the Department that she needs assistance with child care and transportation in order to be able to comply with JET program requirements. When Claimant reapplies for benefits, the FIM who was present at the hearing confirmed that appropriate paperwork would be submitted to assist Claimant with these issues. The fact remains that Claimant requested her application be withdrawn. The Department acted in accordance with Claimant's request and pursuant to policy.

An applicant may withdraw a request for assistance at any time. BAM 110.

WITHDRAWN APPLICATION

All Programs

A client/AR may withdraw the application any time before it is disposed on Bridges. However, if clients have an AR, they must first revoke the AR's authorization to represent them before the clients may withdraw the application. The signature of the AR is not required. Document the withdrawal request in Bridges.


To confirm it, Bridges will automatically generate a notice of case action to the client. The client may reapply any time. BAM 110, page 15.

Uncontroverted evidence that Claimant withdrew her request for cash assistance has been presented. The Department properly processed the withdrawal request in accordance with policy.

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 when it processed Claimant's withdrawal of request for cash assistance.

Accordingly, the Department's AMP FIP FAP MA SDA CDC decision is AFFIRMED REVERSED for the reasons stated on the record.


Kathleen H. Svoboda
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: August 20, 2012

Date Mailed: August 20, 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

KHS/pf

cc:

